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For the Anthology.

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THE LEAF.

So from the root
Springs lighter the green ſtalk, from thence the LEAVES
More airy. Milton.

NATURAL HISTORY is the most pleasing study that can occupy the rational and tasteful mind; the pleasure it affords differs from all others, insomuch, that it brings no satiety; for here gratification and appetite are perpetually interchanging: yet the botanist never has, nor ever will recommend it, merely to amuse the imagination, or gratify the fancy. Utility, publick utility is the motive, which impelled him to hold up *mineralogy* and *agriculture* to the love of the rising generation. This country, abounding in minerals, is yet dependent on foreign nations for riches, that lay under our feet. However wounding to our pride, we should remember, that no people can be truly said to have obtained absolute civilization, who do not work their *own* metals. It is true, that every thing for the support of life is continued, with unceasing circulation, from the upper stratum of the earth; it is nevertheless as true, that from the bowels of it a nation draws nearly all her means of defence; labour her tools; commerce her riches; agriculture her chief support; and the fine arts all their materials. An inferiour nation depends on a superiour for all these instruments.

Agriculture, that art, by which alone we can live in plenty, without dependence on other nations, is the *great* art, which we Americans ought above all other arts to pursue. But agriculture will ever remain a vague and uncertain study, unless we acquire a knowledge of the vegetable œconomy, and obtain a happy insight into the physiology of plants. Under the head of agriculture we wish to include the culture of *forest trees*, especially the OAK, which is among trees what *iron** is among the metals, the strength and glory of a nation. The *olive* is the product of those countries, where the human race is debilitated by that warmth needful to its growth: instead of this languid foreigner, let let us place in the arms of the United States a branch of the oak with its acorns.† Providence,

* Very hard, and not very heavy.

† The Romans called the oak ROBUR, and used it metaphorically for great strength of body and mind, or courage to endure to the end; hence our word

whose works are marked by manifold conveniences, flowing from one single contrivance, gives the acorn, and by it communicates power and glory to a nation ; provided that nation has wisdom to appreciate, and virtue to co-operate with its bountiful intention. Let the branch of the oak then, with its acorns, bind the brow of America : let it encircle the American eagle, or rather let the emblem of the western empire be a CONDOR,‡ reposing on a mighty branch of this pride and glory of our forests.

Leaving general observations, let us turn our particular attention to the physiology of the LEAF.

By FOLIATION English botanists mean the *complication* or folded state of leaves, while concealed within the bud ; but this term expresses not that procedure of nature, by which the leaves are renewed and developed *every spring*, so accurately, as does the Latin word '*vernatio*.'

In a former number we have shewn, that the bud springs from the medulla or pith of the plant ; and, by searching into the bud, we have seen the rudiments of the leaves ; and when we penetrated still deeper, we discovered, that the bud, like the seed, contained the epitome of the future plant ; but during winter it wants the power of unfolding its parts. Both seeds and buds contain the *primordia plantarum* : buds therefore differ from seeds only, as the living fœtus differs from the egg of an animal ; so that buds are seeds in a more advanced stage of vegetation. We have already remarked, that some buds contain flowers, some leaves, and some both ; and that an accurate discrimination of them was of importance in the process of *budding*. To watch the *vernation* of the embryo bud, the gradual unfolding of the fœtal leaves and infantile flower, is a pleasing speculation ; for the leaves are completely formed, and fairly rolled up for evolution, many months before they begin to expand : the study of the anatomical structure of the full expanded leaf and its functions, is equally delightful.—We shall pass silently over the nomenclature of leaves,* which is apt to discourage young botanists unused to geometrical writers in the Latin tongue, and shall pursue the more pleasant task of exhibiting, as far as we are able, the structure and the functions of the leaf.

When we are told, that 'a leaf is a part of a plant, extended into length and breadth, in such a man-

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robust. *Robur nodosum* was the club of Hercules, the emblem of heroick virtue. An oak with its acorns was held in high veneration bv the renowned Romans. Pliny says, *Glandiferi maximè generis omnes, quibus honos apud Romanos perpetuus.* Where he speaks of chaplets, he says, that civick coronet has most dignity which is made of a branch of oak, provided it at the same time bears acorns.

‡ The CONDOR is peculiar to America ; and is the largest bird that flies ; being eighteen feet from tip to tip of its wing. "The *Condor* possesses, in a higher degree than the eagle, all the qualities that render it formidable, not only to the feathered kind, but to beasts." *Goldsmith.*

Acosta, Garcilasso, Desmarchais, and Condamine, have described this preeminent bird ; the last says, that *he is peculiarly dreaded by the Spaniards.*

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* There is not only the *Folium bifidum, trifidum, quadrifidum, quinquefidum,* and *bipartum, tripartum, quadripartum,* and *quinquepartum ;* but there is the *folium compositum, decompositum,* and *supradecompositum ;* and the *folium amplexicaule,* and *semiamplexicaule,* and an hundred others, having reference to the *shape* of the leaf merely. Good sense has hardly fair play when thus oppressed with hard words.

ner, as to have one side distinguishable from the other,'* the naturalist receives but little information; and we obtain but little more, when we are told, that they are 'the organs of motion;'† but, when we say, that the leaves are the *lungs* of a plant, we convey an idea more consonant to truth and nature: for we find that a leaf will die, if its upper or varnished surface is anointed with any glutinous matter; or when placed in an exhausted receiver. If we should say, that the leaf combines the office of *lacteals* and lungs, we shall come still nearer truth. While our stomachs digest solid food, our lungs digest air; so that what is performed by two organs in animals, is performed by one in plants; let us then examine this organ and its functions.

The LEAF is attached to the branch of the plant by a short foot-stalk. From these foot-stalks a number of fibres issue, which, ramifying in every direction, communicate with each other in every part of the leaf, and thereby form a curious network. The intermediate substance is greenish;‡ and may be eaten by insects, or destroyed by putrefaction, while the fibrous part remains entire, constituting the skeleton of the leaf. There are, however, two layers of fibres in every leaf, forming two distinct skeletons; the one belonging to the upper part of the leaf, the other appertaining to the lower. It is very difficult to demonstrate the anatomy of a leaf; but we have reason to conclude, that the *seven* essential parts of a plant, enumerated in the fourth number, are extended, rooled out, and extenuated throughout the leaf; so that if you slit a leaf with scissors, you cut through as many different parts of the plant, as if you cut through the trunk of a tree. The whole leaf is covered with a portion of the epidermis, or that scarf-skin, which covers the stem and stalk of the plant. Between this thin membrane and the cortical net-work, are placed the absorbent vessels, together with what we presume to be the absorbent-glands. Dr. Darwin assures us, that there is an artery and a vein in a leaf; and that the artery carries the sap to the extreme surface of the upper side of the leaf, and there exposes it, under a thin moist membrane, to the action of the atmospherick air; then the veins collect and return this circulating fluid to the foot-stalk, just as the artery and vein operate in our lungs. It is hardly fair to compare the leaves of a plant with the respiratory organs of the more perfect animals; but rather to the breathing apparatus of insects, or, what is perhaps more to our purpose, to the *gills* of fish.

When the structure of any organised body is too subtle to come within the scrutiny of the human senses, we must have recourse to analogy, and from the truths we discover, and the observations we make, we must judge of the operations in similar bodies; for we can form our opinion of that, we know not, only by placing it in comparison with something similar to that we know. The structure of certain large-leaved plants, that grow in water, are remarkably conspicuous; and the gills of fish resemble, in structure and office, the leaves of these aquatick plants. *Duveney* and *Monro* have scrutinized the gills of fish; the former found, that those of the carp contained *four thousand three hundred and*

* Miller. † Linnæus.

‡ Landskips, painted by the best masters, are not green.

eighty-six bones, which were moved by *sixty-nine* muscles: and the latter informs us, that, in the gills of the skate fish, there exists *one hundred and forty-four thousand* folds or subdivisions. This manifold structure gives this respiratory organ a surprising extent of surface. These subdivisions terminating in innumerable points, resemble fringe; but, when examined by the microscope, appear like down; yet is every part crowded with blood-vessels, being ramifications of the pulmonary artery and vein. The whole extent of the gills is covered with an exceedingly fine membrane, in which the microscope discovers a still finer network of vessels. By such a structure the fish exposes a greater surface of blood to the water, than is exposed to the air, by the internal membrane of the air-cells of the lungs of quadrupeds; and that for the same purpose, namely, imbibing uncombined oxygen, which is the material or pabulum vitæ, equally necessary to fish as to land animals. Now, if we compare the structure of the gills of fish with that of the leaf of aquatick plants, we can discern a great similarity; but the limits of this essay do not allow us to run the parallel so far as we might.

As a tree cannot go in search of food, like an animal, it is forced to draw its nourishment from within the narrow sphere of its existence; it therefore extends its roots through the surrounding earth, by which it draws in sustentation, as through so many syphons. These imbibing vessels of the roots may be compared to the *lacteals* in animals. This chyle, or sap, ascends to the leaves, and is there changed into a more perfect fluid, answering to the blood of animals; it is still further exalted in the flower, in order to perfect the seed, and continue its kind. The roots are sufficient to supply nourishment to a large tree during winter, when divested of its leaves, and when the vegetative life reposes in winter quarters:* but, stimulated by the warmth of spring, the vegetable *ens* awakes, and, when the process of *vernation* has fairly begun, then the tree has more to do than merely to support its own existence; and therefore it spreads through the air its numberless leaves, which are nearly equivalent to the stomach and lungs of animals.

That the sap ascends to the leaves is proved by the bleeding of vines early in the spring, before the leaves are formed, there being no leaves to receive it; but, when these elaborating organs are formed, the vine ceases to bleed, because the sap flows into them for *rectification*;† for, while a vegetable is growing, it is continually going through a regular series of changes, losing the properties of one substance and assuming those of another; thus mucilage in a young plant becomes starch in the old; what in green fruit is acid, in a ripe fruit is sugar.

But the function of the leaf is not perpetually uniform, as in the lungs of the more perfect animals; its operations differ in the day, and in the night. In the day the leaves of plants exhale moisture and *oxygen gas*, and absorb *carbonic acid gas*; but during the night they emit *carbonic acid gas*, and absorb *oxygen gas*. In plainer terms, they exhale, in the light of the sun, salutary or vital air, but in the dark they emit deleterious air: one of

* The hybernacula.

† *Rectification*, in the language of chemists, means drawing any thing over again by distillation, to make it yet higher and finer.

these operations is performed by the varnished* side of the leaf, and the other from the rough or under side.

As air and heat are necessary to the life of a plant, so is *light* to its health.† The want of light prevents a plant's forming its proper juices, deprives it of its green colour, and prevents the impregnation of its seed. It is the smooth side of the leaf which is acted upon by light, and is that part, by which a plant, in a great measure, lives ; hence the leaves of many delicate plants shut up, so as to cover this smooth side on exposure to noxious vapour, or darkness, or to screen it from an extremely fierce sunshine. In order to make a distinction between the *sensation* of heat and the *cause* of it, the word *caloric* has been adopted ; it is a body, and so is light. The sun is the source of both ; for he emits two kinds of rays, one *calorific*, the other *colourific* ; the first occasions *heat*, the other *colour*.

With what different eyes does the philosopher and the uninformed husbandman view a tree, waving in the full glory of its luxuriant foliage ! Ask the woodsman for what a tree was made—he will tell you to bear nuts ; to be cut into boards ; to burn, to keep him warm, and to cook his victuals. Ask the naturalist, and he will tell you, that they are an important, nay indispensible link in the chain of human existence ; insomuch, that were the Parent and Legislator of nature to cause every vegetable on earth to be at once annihilated, the atmospherical air would directly become a putrid mass of every thing that is noxious, and man, and every other terrestrial animal of similar construction, would soon turn into a mortified lump of corruption. The leaves of all sorts of vegetables are in fact so many laboratories for purifying the air we breathe.

During winter, when the surface of the earth is bound up with frost, encrusted with ice, and covered with snow, little or no putrefaction takes place ; then the vegetable kingdom appears as if dead ; the trees, divested of leaves, seem like so many dead sticks ; but when the sun begins to diffuse its warmth over the earth, promoting that general tendency to corruption, to which all dead bodies are liable, then the trees soon exhibit a wonderful scenery, and the leafless branches, by displaying, all at once, their foliage, increase their surfaces many thousand times. The leaves are so arranged on the branches, as to expose their varnished surface to the direct influence of the sun ; and, if forced out of that po-

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* The varnish of the leaf is found to be bees-wax.

† It is remarkable, that the leaves cannot prosper without *light*, yet seeds germinate best in the *dark*.

LIGHT is an elastick fluid, that is reflected from certain bodies which it cannot penetrate : it is also possessed of chemical affinities, by which it enters into combination with other substances ; sometimes occasioning their decomposition, and sometimes it is extricated from its combinations. It gives to vegetables their colour, and contributes to their smell, taste, and balsamick principle. It enables the leaves of vegetables to emit streams of *oxygen gas*, or pure *vital air*.

OXYGEN, or the *acidifying* principle, is found only in its combinations. The *oxygen gas* is the result of the combination of oxygen with *caloric*. It exists in atmospherick air, in the proportion of 27 to 100, and is heavier than the air of the atmosphere. It is absolutely necessary to respiration, hence termed VITAL AIR. During the action of breathing it enters our blood by the vessels of the lungs, giving to it a vermillion colour, and an augmentation of its vital powers.

sition, they will turn themselves; for leaves are more greedy for the light of the sun, than for the influence of its heat.*

It is from the under, or rough side of the leaf that the *azotic* or unwholesome air is emitted, while the *oxygen*, or pure vital air emanates from the upper or smooth surface; but not before the sun has shone some time upon it. This distillation of pure vital air by the leaf diminishes towards the close of day, and ceases altogether after sunset, when unwholesome air is emitted by the rough side of the leaf; and the next day, soon after the rising of the sun, the smooth or upper side recommences its function. Hence we learn, that it is unhealthy to tarry in the deep shade of trees during the night. '*Surgamus*,' says the shepherd in Virgil, '*solet esse gravis cantantibus umbra*.'—*Let us rise; for the evening* shade *is unhealthy to singers;* and, he adds, even the juniper is *now* noxious. Ill-scented and even poisonous plants equally afford salubrious air in sunshine. It is remarkable, however, that, while leaves perform this salutary process, *flowers* render the surrounding air noxious, even in the day time. Gathered fruit has, at all times, a deleterious quality. A peach, in a few hours, rendered a body of air, six times its own bulk, so entirely poisonous, that an animal could not breathe, nor a candle burn in it. A rose kept in a glass, so much infected the air, as to render it unfit for respiration.† Persons have been found dead in their beds, whose lodging rooms have been crowded with flowers: others have been suddenly affected with dizziness, nausea, and headache, on going into a green-house of flowers, that had been shut up closely during the night.§ While a growing vegetable is capable of this two-fold operation, it absorbs whatever putrescent particles it finds in the surrounding earth and air. A sprig of mint, put into a jar of air, rendered foul by animal putrescency, will revive, and grow surprisingly; and will moreover correct that air, so that an animal shall be able to breathe in it.

Here is the proper place to remark, that the ocean, when agitated by winds, yields oxygenous gas; and that azotic, mephetic, or noxious air is corrected by being strongly shaken with water. Hence we learn that the two grand correctors of the air we breathe, are, first, the *agitated ocean*, and secondly, *living vegetables, while operated upon by the rays of the sun.*

If we reflect upon what has been said, it will appear, that plants have their *private virtues*, and their *publick* ones. Beside the peculiar medicinal and nutritive qualities, which some possess, the great family of plants, or what is called the vegetable kingdom, conspire to form one grand apparatus for purifying the atmosphere, and rendering it fit for respiration; and these may be called their *publick virtues*. In this view no vegetable grows in vain, whether in the interiour of this vast continent, or in the wilds of Africa; for the leaves of *all*, whether ill-scented, acrid, or poisonous, elaborate the air they contain, and pour down a shower of depurated oxygenous or vital air, which, diffusing itself through the common mass of the atmos-

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* See Ingen-houz passim.

† See Priestley on air.

§ Ingen-houz placed twenty-four French beans in a quart jar, which rendered the air, in one night, so poisonous, that a chicken, put into it, died in about twenty seconds.

phere, renders it more fit for animal life. In this salutiferous process the fragrant rose and the violet, the deadly night-shade, and the still more deadly laurel,* co-operate. The animal and vegetable kingdoms operate on each other. Putrid animal effluvia, noxious to man, is food for plants, while plants transmit a salutary air to man. The winds convey vitiated air from us, for our relief; and may return salubrious gales, for our refreshment; 'and if these salutary gales rise to storms and hurricanes, let us still trace and revere the ways of a beneficent BEING, who, not fortuitously, but with design, not in wrath, but in mercy, thus shakes the waters and the air together, to bury in the deep those putrid and pestilential effluvia, which the vegetables upon the face of the earth had been insufficient to consume.'†

These traits of wisdom, visible in the œconomy of those departments of nature, which have come under our scrutiny, clearly instruct us how kindly PROVIDENCE restrains, impels, and directs all things to a beneficent end:

'His praise, ye winds, that from four quarters blow,
Breathe soft or loud; and wave your tops, ye pines,
With every plant, in sign of worship wave.
O universal Lord! be bounteous still
To give us only good; and if the night
Have gather'd aught of evil—
Disperse it, as now light dispels the dark.

MILTON. *Adam's Morning Hymn.*

* The *lauro cerasus* yields abundance of the oxygen gas. *Ingenhouz.*

† Pringle's discourse before the Royal Society of London, on giving the prize medal to Dr. Priestley.

POSTSCRIPTUM.

The *Botanist* is aware, that, in the foregoing essay, he has sketched a wider landskip, than he has been able completely to fill up. A cultivated eye will, at once, discover some parts that require retouching: this has been owing to the want of certain requisite materials. How differently situated and circumstanced are our elder brethren in Europe, who easily obtain any book they need? while we, insulated from the source of needed information, spend more time in the vain search after a book, than would suffice to compose the essay in question. If a literary 'matter-of-fact-man' in Massachusetts be like unto *Robinson Crusoe* in his desert island, we should make as much allowance, when comparing his productions with those written in the capitals of Europe, as when we compare the vessel, made by this renowned voyager, with those built in the docks of France or England. There is a lamentable lack of books on Natural History in the University library. Will the FAUTORES of the contemplated ATHENÆUM encourage the heart and strengthen the hands of the *Botanist*, by supplying this mortifying deficiency? With the same helps we can work as well as the Europeans.

PRESENT STATE OF THE ART OF PAINTING IN FRANCE.

By T. C. Brunn Neergaerdt, *Member of the French Institute.**

TRANSLATED FROM THE FRENCH.

Professor Fiorillo published at Gottingen, some time ago, the third volume of his History of the Art of Painting, which contains that branch of the subject relating to France.

The author says in his preface, that 'at first he only thought of speaking of the old French school, and that it was too soon to describe the modern one.' I am not of his opinion; I think that the modern school has already produced, and is daily producing, artists of sufficient merit to entitle them to be publickly noticed. I am also of opinion that M. Fiorillo would have done well to have waited until he had procured some more exact information, or visited France in person.

I have not written the following observations in the spirit of a critick; it is the love of the arts and of truth, which has alone dictated them; and I only furnish M. Fiorillo with the present additional information, that he may be enabled, in a second edition, to render his work more useful, by making it more exact and more complete.

The period, which embraces the artists of the modern school, will include all such, of any repute, as have died since 1750. I shall begin with Francesco Casanova, whom I knew on my first visit to Vienna. Fiorillo says that he was a pupil of Simonidi, that he took Jacob Courtois for his model, and that he studied Wouvermans: all this does him honour; but I cannot coincide in the opinion of this author when he says, 'that he (Casanova) was nothing else, in the true sense of the word, than a plagiarist, who sometimes took one groupe and sometimes another from the works of Bourguignon, and placed it in his own pictures.' In battle pieces, several things may resemble each other, without our being entitled to say that one painter has stolen from another. People fight and are killed, in general, in the same manner. Casanova was a man of genius, and I think the accusation of our author is ill founded. He has said very little upon the talents and works of this artist; who has, however, acquired a just reputation in France. He has forgot his brother, who was director of the gallery at Dresden; and he has also omitted to mention several of his scholars who are known in France. Francesco Casanova, in his latter years, did some small paintings of animals, of an agreeable composition and of a light touch, for which he was well paid.

In delivering the eulogy which is due to the talents of M. Vernet, he only quotes his design of Hyppolyta, and that of the leader of the car, who returns with his companions. He informs us that Darcis is engraving it. We can tell him, however, that Darcis never lived to finish this engraving.

Charles Vernet laboured a

* From a memoir entitled "*Corrections et Additions pour un Ouvrage de M. Fiorillo sur l' Art de Dessin en France depuis son Retablissement jusqu'à nos Jours.*" Read at the French National Institute, May 11, 1806.

great deal in his latter years. One third of his designs belongs to Roland the printseller, who has already got several of them extremely well engraved; particularly fourteen, by Debucours, in the soft manner in which he excels. Five other large designs are not equally well engraved. There is one of them in China ink, another in bistre, and some coloured ones of great beauty; among others, a Departure for the Chase. Vernet is at present occupied with his grand piece, the Battle of Marengo.

Robert is merely named: the author, therefore, does not know the extent of his talents: France, however, never had such a painter as Robert for the interiour of pieces of architecture. He was as well acquainted with perspective as Panini, and delineates it in a manner highly agreeable to the eye. At one time, one could not inhabit a dwelling-house without having a bed-room or a saloon decorated with Robert's pictures. His works are of different qualities; he sometimes went too fast, by wishing to do too much. We have sometimes wished him to finish a little more; but perhaps, by being more finished, he would not know how to preserve the spirit which always reigns in his rural scenery and in his architecture; his talents would be of great use in theatrical decorations. His figures are not correct, but they never want spirit. The best pictures of this master are a part of his studies in Italy. He engraved at Rome a small architectural work which he called his *Soirées*, and which has given us cause to regret that he has not done more. Robert treated his own style of painting with so much superiority that he never had any rivals; and France will wait long ere she finds another Robert; particularly in an age where all the men of genius aim at historical painting. Robert has perhaps made too many designs; but not for those who love taste and an agreeable effect. He has done a great many pieces with red and black crayons.

The French themselves pay more justice than M. Fiorillo does to Greuze, although his method of designing has nothing in common with the present school. He thinks it extraordinary that he should be called a painter of a particular school; he would rather have him called "the painter of the people or the nation, because his pictures very often represent the most characteristick traits of the entire manner in which the French think and feel." But the good and bad actions which occupy the pencil of the celebrated Greuze do not belong exclusively to the French nation; they are common to all nations. We find in all countries men who have nothing to leave to their families at their death, except their good reputation; there are every where mothers who love their children; sick persons who are consoled by their children; as well as there are children who endeavour to destroy the will of their father when they think that it is not favourable to them; and there are also children who even attempt the lives of those who have given them birth. He grants more nobleness of style to Greuze than was possessed by Cornelius Troust, or Hogarth: I do not know where he has derived this comparison. M. Fiorillo thinks that Diderot has praised Greuze with too much enthusiasm. He thinks the colouring of Greuze is mannered: he has not seen, therefore, any of his heads;

at least, he does not mention them. Few artists have painted with so much sentiment and truth as he has done: in France he still passes for a good colourist. The author says "that Greuze endeavoured never to lose sight of the simplicity of nature; but Nature herself is mannered at Paris." Nothing is easier than to vilify a whole nation. Greuze made a quantity of designs, which can only be regarded as mere studies, all full of sentiment. Greuze created his own school, and it perished with him.

The Germans, Italians, and English, exclaim against the French school, because they envy its superiority. The man who has regarded Europe with an impartial eye for the last ten years, surely cannot think that there is any school in existence at present, except the French school: no country possesses so great a number of historical painters, or so great masters, as France does. Among other nations there are distinguished talents: a Fuger, a West, an Abildgaard, and a Hetsch, will always do honour to their country; and yet for all this there is not a German school, an English school, or a Danish school.

It is necessary that I should quote some passages of M. Fiorillo's Introduction to the History of the new French school. He asserts "that the modern artists take David for their model, and exaggerate his defects without possessing his talents." He finds, however, that the present is superiour to the old French school, and he continues in this manner: "The greatest part of the works of the modern school resemble coloured statues or bas-reliefs; the contours of the figures are sharp and edgy, the expression speaking; but the composition is empty, cold, and dry: in short, the colouring is hard, as if they did not choose any thing in nature except a local colour, and as if they only sought to relieve the effect by forced shades which fall into the dark. The modern French artists think that they have surpassed the simplicity of the Greeks in their works; but they confound simplicity with emptiness, and laboured composition with the great pains they take to become flat and insipid. As they are not possessed of a pure and classical sentiment, they remain at the entrance of the temple of Taste, without finding the fundamental principle of it; and it would seem that the genius of the times removes them from what is called the ideal of the art, &c." These are the bad French artists of whom M. Fiorillo speaks, because he has not succeeded in drawing a picture of the good ones; for he has never seen the works of the latter, and he judges by those of the former. He afterwards says, "that the antique ought to be studied; that Raphael and Michael Angelo studied it; but that they endeavoured, surrounded as they were with noble, grand, and spiritual forms, to idealize, as it were, the forms of nature." The author is therefore ignorant that the good French painters study Nature much, and that she never was more studied by any school: as a painter, he ought to know that people sometimes see with different eyes.

M. Fiorillo says that the picture of Saint Roch curing those infected with the plague, laid the foundation of the celebrity of David: he might have added to this, what has been said of the Horatii, that this picture alone would have been

sufficient to secure immortality to him. I do not like to speak of any thing unless I have seen it, because in that case it is my own judgment, at least, that I pronounce; and therefore I only named this picture when I wrote upon the performances of David, not having been at Marseilles at that time: I have been there, however, several times since, and had an opportunity of often admiring one of the *chefs-d'œuvres* of this great artist. I may even prophesy that in future ages pilgrimages will be made for the sake of admiring it. I request M. Fiorillo will add to his second edition the few words I am now going to say, if he has any confidence in my judgments.

The picture of Saint Roch was commanded from David for the administration of the department of Marseilles. He did it at Rome in 1780. On receiving it, the purchasers thought it too fine to deprive connoisseurs and amateurs of it: they therefore gave up their first idea, of placing it in their own hall, and sent it to the office of the records, where it has since remained. The subject of the picture is Saint Roch addressing the Virgin, supplicating her to cause the plague to cease. He is upon his right knee, and rests the end of his left foot upon one of the sick persons. He lifts his clasped hands to the Virgin, who is seated with the infant Jesus. Below there is at full length a dying person who rests himself upon his left arm: a little higher up are two young people expiring. The expression in the head of Saint Roch is very fine; the design of the whole figure is admirable: upon examining in detail his arms, legs, and hands, we are equally satisfied. The composition is simple, and well connected in all its parts. We think we see dying persons in looking upon the poor diseased creatures. The Virgin pleased me least of all; her colouring is not so fine as that of the rest of the picture. David appears in this work as great a colourist as a designer; and he destroys the opinion of some of his pupils, who assert that design and colouring never go hand in hand. After having seen Saint Roch, I do not know whether to give the preference to the Horatii or to Saint Roch.

Fiorillo speaks of Belisarius with esteem: he relates the same anecdotes I have already printed: he does not think the head of Belisarius noble. "Every body would take it for a French invalid." I did not experience the same sensation on looking at this picture; and I never heard this reproach made by any French artist. This picure at present belongs to the senator Lucien Bonaparte.

He praises much the design of the Horatii; but according to him the composition is defective; he thinks the posture of the oldest son confined. "The father (he says), who is in the middle of the picture, resembles an old serjeant, who is drilling three recruits according to strict military tacticks." The father of the Horatii never inspired this sentiment. Fiorillo thus continues:—"In the head of the father no trait of his visage characterizes a man who is exposing his children to the greatest danger, and who sees them perhaps for the last time." This judgment would not be at all surprising if it did not come from a painter, who ought to know the different sentiments of mankind as well as he ought to know the effect produced by the mixture of the

different colours. Was it ever possible to express better, in the same head, the joy of saving his country, and the fear of exposing his children to danger? The most powerful passion ought naturally to carry away the victory in the mind of the most sensible father.

The author says, at the end of his article upon Brutus, that many people prefer this picture to that of the Horatii. In France, great beauties are discovered in both; but we generally give the preference to the Horatii.

We read in a note that Morel has engraved the Horatii, Brutus, and the Sabines: all this is false; none of the three engravings have yet appeared. It is certain that he is occupied with the Horatii; but he has a full year's labour yet before him. The graving tool of an artist does not move so quickly as the pen of an author.

The portrait of mademoiselle Brognard is mentioned without any distinction among the other portraits of Gerard: this portrait, however, deserves great praise, and it ought to be placed by the side of the *Joconde* of Leonardo da Vinci.

Every thing which comes from the pencil of Gerard is beautiful; every thing is wisely conceived: he paints without having the air of painting: his full length portrait of madame Recamier has done him much honour. He has painted several portraits of his friends in a sitting or two. I ought to mention here the celebrated Ducis; no pencil ever produced more in less time.

Gerard has also done some portraits of his friends, designed at one sitting, which may serve as a model for those who wish to design in this manner. I may quote those of madame Redouté and her daughter, of mademoiselle Coliquert, and my own, of which I am not a little vain.

Ingre ought to go to Rome; but he has not yet set out, as the author says. We expect great things from him. The design of *Stratonice*, which he is doing for me, is well composed and well designed, and we may hope to see a fine picture of it. He has finished several portraits, among which we distinguish that of mademoiselle Riviere, fourteen years of age.

M. Fiorillo thinks that Gros has talents; but he forgets to assign to this artist the distinguished place which his country has given him among the pupils of David, and which he so justly merits. He thinks it astonishing that such a terrible subject as the Plague of Egypt, of this painter, should have excited so much enthusiasm. I am very happy, on the contrary, that justice has been done to a fine picture, well designed, well painted, and finely coloured. Gros is one of the first colourists of the modern school. Our author does not recollect, therefore, that such subjects have been represented by the first talents. He does not know Mignard's Plague, Poussin's Massacre of the Innocents, his Deluge, and many others.

The name of mademoiselle Gerard is mixed, without mercy, in a crowd of others who are scarcely known. Her name merits some distinction. Her pictures are agreeably composed; the subjects are well chosen, executed with a careful pencil, and finely coloured. A great deal has been engraved after her.

The author is not well pleased with the miniatures of Augustin; he has, perhaps, never seen them; at least, he is surely not acquainted

with the portrait of *Chaudet*. He speaks of Taunay as of a historical painter. It is true that he has done some historical pieces; but his name has been confounded with others. Taunay has a peculiar style of painting of his own. He is excellent at figures, rural scenery, and architecture: he composes well, and varies his manner: no person has wrought more than he has done, and there is genius in every thing he undertakes.

Chaudet, the sculptor, is mentioned with eulogium for his picture representing the Flight of Æneas: but his designs ought also to be mentioned. "The Triumph of Psyche" is very fine: he made several designs for Didot's grand edition of Racine. He is an engraver also. His designs are well composed and well executed.

Thibault, the architect, is only mentioned for some pictures he did ten years ago; the author, therefore, has never heard of the grand and fine landscape he painted for prince Louis, in which Rinaldo and Armida are represented. M. Fiorillo is not acquainted with the pieces in water colours by this master; he does not know that in this branch he has surpassed all that went before him. I shall only mention his View near Tivoli, and that of the Village of Est. M. Fiorillo is also ignorant of Thibault's performances in architecture and in perspective: this artist has begun a work upon perspective, which when published will be a treasure to the arts. His studies in China ink are full of truth and beauty.

In naming Bourgeois, something should have been said of his bistre drawings, which are very fine. His Bridge of Seves surpasses every thing of the kind.

The pictures of Demarne, M. Fiorillo says, have the air of being done in a dark chamber: this accusation might have been spared, as well as that of his compositions being flat and common. He ought rather to have spoken of the beauties to be found in Demarne's landscapes; and he ought to have said that he paints animals extremely well, and that his pencil is very careful.

We find the name of Ommeganck in M. Fiorillo's work; but we are astonished not to find it said that he paints well, and that none can portray sheep better than he does.

I did not know that the youngest of the Redoutés paints or designs flower-pieces only: he belonged to the expedition to Egypt, and has carried the art of drawing fishes in water colours to a perfection which leaves nothing for us to desire.

M. Fiorillo charges the French with unsuccessfully imitating the Flemish painters; but they had no occasion to imitate them at all. Taunay, Demarne, Drolling, Swebach, mademoiselle Gerard, Boily, and others, have produced pictures which, without being copied after the Flemish, will do honour to their genius with posterity.

I have thus corrected the defects I have found in running over the work of M. Fiorillo; and I must do him the justice at the same time to say, that his works contain some well written articles, and that he is acquainted with literature; but he writes hastily. In order to compose a work upon the state of the arts in any country, it requires a long time to collect materials, particularly when the author is not in the country itself.

It would be tedious to mention in detail the artists whom M. Fiorillo has entirely forgotten; I shall

merely mention their names with some notes, in order that he may inquire for their productions, if he ever gives, what is very much to be desired, a second edition of his work.

Among the pupils of Casanova we look in vain for the names of Norblin, Mayer, Duverger, and of Duvivier. Norblin is one of the first battle painters: he lived a long time in Poland: he paints well, and his composition is agreeable. I am in possession of some fine designs of his in bistre and Indian ink. Mayer died very young, and was buried at Ermenonville by the side of J. J. Rousseau. He possessed a great genius. Duverger died young also: I know several very fine designs of his. Duvivier, who remained with his master until he died, lives at Vienna, and paints with great success.

Lantara painted and designed in the taste of Claude Lorrain, and his pictures have an agreeable effect; his designs, generally in black crayons, are very much sought after.

M. de Boisseu, of Lyons, a true amateur, is one of the best designers I know: no one is superiour to him in using Indian ink: his landscapes are true portraits of nature; the very hour of the day is observed in them: his figures, his animals, every thing is beautiful in his designs. M. Boisseu engraves in a manner which leaves him few rivals.

The painters of Geneva are entirely forgotten by the author. The works of St. Ours, Vaucher, Topper, Larrive, Linck, and others, deserve his attention.

Professor Jay, of Grenoble, ought to have been named: he has been in Italy, and designs landscape and figures extremely well.

Gamelin, who lives at Carcassonne, in the south of France, has great talents for battle pieces; it is a misfortune to him that he does not live in a great city. Historical pieces are not his forte, however; but in the country a painter must do every thing.

Pillement senior, who is still living at Lyons, ought to have been well known by the author: a great deal has been engraved from his designs. Even Woollett has rendered him immortal: the designs most easily made by him are always the best.

Perignon has done some drawings with a very agreeable touch: the designs for M. de la Borde's Travels in Switzerland are by him. They all belong at present to M. Van der Nuil of Vienna. They are well done; but perhaps he had not sufficient genius to seize upon the grand masses in this majestick country. Nature in a cultivated state, and nature in a savage state, should be represented in a different manner. If the latter does not strike an artist, he cannot do it justice.

Moreau junior is not named at all. His talents are surely known, however, in Germany: the numerous works of this man, unique in his line, have been almost all engraved. I shall instance his designs for two editions of Voltaire. His fertile genius prevents us from accusing him of copying himself, far less of stealing from others; his subject always penetrates his mind in such a manner, that his design never fails of becoming an excellent picture. His compositions are wisely conceived, and his figures are well drawn; his designs, which are generally in bistre or Indian ink, are neither too much nor too little finished. I hope that France will long retain this esti-

mable artist. Posterity will be unable to conceive how one man could have found time to make all the drawings which go by his name. The industrious man who is endowed with genius, produces he knows not how.

His brother, known by the name of Moreau the landscape painter, died a long time ago: he painted with great facility, but was not always careful in his works: his tone is not always the truest in the world.

Wille, the engraver, is still alive. He is the patriarch of artists, and is now ninety-two years old. The revolution destroyed his fortune, and only his life was saved: if to have laboured much and well, and to have done great service to the arts, deserves a recompence, it is surely Wille who deserves it. He was the reviver of engraving in France, which seemed to have been lost since the days of Edelinck, Audran, Drevet, and others. The "*Musiciens ambulans*" and his "*Cleopatra*" will always entitle him to enjoy the epithets we have now given him. All that Europe can boast of in point of engraving has come from his school. His leisure hours were employed in designing, and generally in studying rural scenes.

Wille junior has done several pictures; but for these some years past he has not painted any thing: he handles his pencil in a most wonderful manner. His designs in black crayons are carefully done; and there are some coloured ones to which the same remark applies.

La Fontaine is one of the best painters of domestick scenery. Ganda would have been far forward as an artist by this time, if he had not died too soon: I am in possession of a very precious work of his; it is his Travels in Italy, comprising more than four hundred studies and designs. Banks was educated by Casas, and travelled in Italy for him: he excelled in water colours. Laurentz designs animals very well, and seizes upon effects with propriety: his pencil is astonishing. Mandewar is a landscape painter; he is chiefly known for the light and agreeable manner in which he works with lead pencils. Bera designs natural history well; he is a pupil of Redouté, and he endeavours to follow the footsteps of his master. Brijandet, an able landscape painter, is dead. In his trees we observe that he studied nature much, and that he studied her with good effect. No man can paint a head better than Wallin; it is a pity he has not studied nature; his incorrectness, perhaps, would have been less. The two Ozanes are excellent at designing sea pieces: one of them has engraved a great deal, and has done it well. They are acquainted with the forms of vessels, and they give them in an agreeable manner. Bergevin designs very well with the pen, and composes bas reliefs with facility. Mistback gave great hopes. He designed landscape well, and executed with care the details of architecture. He was a pupil of Belanger. The journey he made with M. Bianco de Brant in the south of France did him great service. He died last year.

Percier, the architect, has made some fine designs in water colours, consisting of antique and architectural subjects: he has an exquisite taste for furniture.

Baltard, the architect, favourably known by several works, designs architecture and landscape extremely well.

Bertaux, who has been distin-

guished generally by the name of the modern Callot, designs with an astonishing facility. I have seen, with very great pleasure, his pen and ink design of the Battle of Austerlitz, which he is engraving for placing below the portrait of the French emperor.

Pillement junior, whom I ought to call the first landscape engraver, designs perfectly well this kind of drawing.

Several sculptors are distinguished for their designs. The name of Moitte has been for a long time favourably known among the amateurs of designs : a great deal has been engraved after him. His designs are well composed and well conceived. Taunay, the sculptor, his pupil, has not made many designs, but they are very fine ones. I possess two of them ; one representing *Charon, to whom Mercury has delivered the Shades of those who are to pass the Styx :* all seem desirous of returning : the small heads are full of expression ; the composition is agreeable, and the Mercury is of an astonishing lightness. The other is *Time extinguishing the Torch of Love.* One of the first painters said it was worthy of Julio Romano ; I have therefore nothing to add. Boichot designs very well after the old masters ; he prefers the Florentine school. Naudet is one of those artists who unites in one person all the qualities of a travelling painter. He has accompanied me for these five years past in my travels. The five hundred designs, which are the fruit of these travels, will prove the accuracy of my opinion.

I may have still omitted some very distinguished artists, who may have been forgotten by M. Fiorillo also ; and as I have trusted to my memory alone, my only desire has been that it should not deceive me too often.

For the Anthology.

GENTLEMEN,

HAVING, in the Anthology of last month, given admission to certain strictures upon a poem, extracted from the Port Folio, and entitled " A Picture of Boston," may it not also be presumed that you will, with equal willingness, admit an opinion, somewhat opposed to that of your correspondent, and that no exclusive nor ex-parte attention is to be apprehended from the pages of your instructive miscellany ?

Will you afford place and patronage to the simple judgment of a recluse, who loves the Muses, without being their favourite or their follower ; of course uninfluenced by hope, and inemulous of reward, thence unprejudiced, and, as nearly as human passions may admit, impartial ? He confesses, that to him the original poem was communicated previous to its publication, while truly, and upon the honour of a gentleman, he disclaims any part or interest in the composition, excepting that of friendship, good will and discriminating justice.

Though far from giving unqualified approbation to a sentiment declaring the Exchange of Boston to be ' *of christian jews the prey*,' neither does it appear to me just or decent to adopt the language of the criticism in so unceremoniously styling the poet ' *a liar*,' since to try what the critick chooses to denominate a ' *satirical*'

poem by the standard of literal, unvarnished matter of fact, were to reduce poetry to prose, and to require from a work of imagination the properties of a political pamphlet. But the merit of the poetick composition, as such, is not analysed by him, for his positive assertion that the author has exposed a '*flaccid muscle, poorly propped by ill concealed fragments, pilfered from real poets*,' does in fact prove nothing, unless the '*flaccid muscle*' were displayed, and the '*pilferings*' made visible. In neither instance has the attempt been made.

The present writer is tolerably well read in the poets; yet he has hitherto detected in the 'Picture of Boston' neither '*pilferings*' not 'imitations.' Further, when the critick observes that these miserable calumnies are '*crutched upon rhyme and hobble about in measures of poetry, stilted but not elevated*,' it appeared a little odd to see crutches and stilts so blended together, since brought to the test of real life it is thought they would rather interfere.* If the rhymes really hobble, it only shows a bad ear in the poet, respecting which allegation the lines must speak for themselves.

But the sentiments of the poem is most particularly canvassed by the critick, while the poet, in his individual capacity, is accused of *lying* and *stealing*, and also termed '*false and malignant*,' '*singularly left-handed and insolent*,' with a wonder '*from what Bedlam this maniack escaped*,' who, '*instead of ruminating and grazing at large on Parnassus, without shackle or clog on any of his feet, claims from his friends the stern discipline and strait waistcoat of the cells.*' In fact, this fine discussion displays the very reverse of argument or detection, since it advances much and proves nothing, having more of the asperity of *personal pique*, than the rational conclusion of correct taste and mature judgment. Neither can I agree with the critick in considering '*the metropolis of New-England wantonly calumniated*,' and the '**WHOLE CITY** *holden up to contempt, as destitute of virtues*,' &c. &c. since the poet has given his admiration and bestowed his eulogy upon Boston, not only for its scite and many advantages of local charms and attraction, but also as highly gifted in mind and morals, thus

"Yet fair thy hills in summer pride are seen,
The bright stream curling mid their slopes of green,
While the near ocean, broadening on the view,
Gives all *Pheacia* sought, or *Carthage* knew.
Even MAN, whose mind the stamp of wisdom bears,
And in the image of a God appears,
Those 'sons of soul,' by heaven to earth resigned,
Friends! patrons! and instructors of mankind!
Even these are seen mid severing clouds to shine,
And all the splendor of their fame is thine."

From which general characteristick the poet proceeds to individualize distinguished excellence, not with an implication that genius is indiscriminately suffered to pine in neglect and disregard, since the Rev. Mr. Buckminster is describ-

* Note by the Editors.

"*Stilts*—SUPPORTS, ON WHICH BOYS *raise themselves, when they walk.*" Johnson's Dictionary.

Pray, most critical Madoc, may not boyish imbecility stilt—i. e. SUPPORT itself, even upon crutches? And should dulness hitch its gravitating mass upon rhyme, would it thereby attain any real elevation?

ed as '*him so loved*,' while of a celebrated advocate it is observed, that

"Still, with speaking gaze, or starting tear,
ADMIRING CROWDS the peerless pleader hear."

These descriptions are surely not expressive either of total disregard or unqualified neglect. That idea was probably obtained from the following lines:

"Beneath thy temple's holiest veil retired,
See the blest preacher by his God inspired,
Warm from his lips the *words of life* descend,
Yet these the coldness of neglect attend."

That is, *the doctrine* of the preacher, 'the words of life' have not the influence they should have, since the preference is still bestowed on Mammon.

"Say, can these bid the narrowing heart unfold,
Or show its hope a heaven more prized than gold?"

Again the critick seems to have mistaken the author, whom he reproaches with asserting that poverty, as well as neglect, is awarded to those, who really rank among the most wealthy and respected of our citizens. To this declaration a positive contradiction is returned, since the poet has proclaimed them the 'beloved' and 'admired.' Truly he observes

"Since these are thine, IMPERIAL BOSTON, say,
Does rich reward their mental wealth repay?
Or phantom honours and reluctant praise
Light, without warmth, the winter of their days?
Or Slander, Envy's child, with busied care,
From the fine front its graceful laurel tear,
Striving, unblest, to wreath the serpent there?"

In explanation of which it must be recollected that the author avows himself to be 'a foreigner,' and as such probably in the habit of seeing distinguished talents remunerated, not with '*phantom honours*,' but with large pensions, high titles, and commanding influence. But the elevated and opulent Bostonian is indebted to his personal exertion and industry for the independence he enjoys, while any adventitious station or distinction, he may possibly possess, so far from being a subject of emulation, seems a mere sea-mark for the observation of virulent hatred and obloquy. Most willingly is it admitted, that among the merchants of Boston are to be recognized men of sense, talents, and liberality. But does not that respected body contain some, even of those the most opulent, who are found capable of enhancing their riches by usurious practices? And are there not likewise in this metropolis bankers of high consideration, who

"Lease to the struggling wretch their CAUTIONED NAME"?

The 'Picture of Boston' was evidently sent to the press in an unfinished state, made up of fragments, which either leave much for the imagination to supply, or admit a presumption that the author means, upon some future occasion, to fill up the different hiatus with those characters of the pulpit and the bar, which still remain equally entitled to high encomium.

Finally, as the greatest mistake of all, the critick has brought forward the concluding apostrophe to Genius, fitting its application and

all its references to those beloved and admired individuals, who were previously celebrated; while it really appears that nothing could have been farther from the intention of Caradoc, who, in the following lines, with much of the license of his profession, characterises the fate of Genius in its abstract, and certainly not in this instance under the individual capacity of living example, thus:

"GENIUS, THOU GIFT OF GOD, to thee belong
The base man's insult, and the oppressor's wrong!
Nor thine the boast, that prosperous trade bestows,
Ne'er to thy hope the golden Indus flows,
But thine that *poverty* to heaven allied,*
That meek Disdain, which Virtue lends to Pride,
Though sunk to earth, thy soft imploring eye
See many a *Levite* pass unheeded by,
Conscious of innate worth, not *Mockery's* wile,
Nor chill *Neglect*, nor *Wealth's* contemptuous smile,
Nor *Pity's* vaunting sneer, nor *Envy's* frown
Are known to BEAR THE UNBLIGHTED SPIRIT DOWN.
Pensive thy solitary sufferers seem,
The sport of Fortune, but of Fame the theme,
Vain were to them the venal world's regard
WITH HEAVEN THEIR HOPE, AND NATURE THEIR REWARD."

MADOC.

July, 1807.

WE have relaxed the strictness of an editorial rule, for the admission of the preceding strictures in defence of Caradoc's rhyme, on which we remarked in a former Anthology. We should have neither leisure nor place for other pursuits, if we were to enter into minute contests with authors, or the friends of authors, whose wounded vanity winces at our touch, or whose checked insolence is ill at ease, under the smart of merited discipline. Much less can we descend to such a task, at the beck of an anonymous writer, whose work was noticed by us, not as being entitled to the honours of criticism, but as being obnoxious to the rigours of chastisement. "The Picture of Boston" and our observations upon it are both before the publick; and whether we have exceeded either decency or justice, in the measure of our censure, we cheerfully submit to the decision of that tribunal.

We confess that Caradoc's publication did excite in us a mixture of contempt and indignation. Sentiments, which, until Madoc's epistle came to hand, we had supposed to be universal, at least in this place and its neighbourhood. Nor have the mincing, wire-drawn labours of the "author's friend" had any other tendency, than to strengthen our opinion of the correctness of our first impressions. The design of a work is to be collected from a view of the whole; and not from an artful selection of some of its parts. These, though altogether unexceptionable in themselves, may be so disposed in the composition with relation to the principal object, as to heighten or exhibit the most malignant purpose. Let Madoc palliate, or deny as he will, the design of Caradoc, palpable from the publication itself,

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* *Blessed be ye poor, for yours is the kingdom of heaven*, says the MOST SUBLIME OF ALL AUTHORITIES.

was to dishonour *the general character of our city, particularly of its merchants.* And all his fine display of local advantages, and ostentatious tribute to particular individuals, are obviously destined but to strengthen the general effect by the power of contrast. He admits, it is true, that here suns shine, but then it is "*mid severing clouds*"—"*mid a world of night,*" "*Rays of Genius*" there are: but we are "*deaf as our hills, and ruder far than they.*" The six first lines develope the main design of the author. The impression he would make on the world, to which all the other parts of his work are subservient, is, that "*Mammon is the deity to whom Boston breathes the vow; that from its exchange, a prey to christian Jews, even the hope of liberal trade is frightened; that gold is its god whose worship, absorbing the soul, causes every virtue to die.*" For these aspersions, as false, as they are gross, what is Madoc's palliation, and how does he apologize? Why, truly, the rhymster has "*eulogized our scite,*" "*our local advantages,*" and *eight of our citizens !!* Because among the great body of our merchants "*some*" take usury and gripe the poor, Caradoc is quite justifiable in having represented *our whole city as devoted to the worship of Mammon, and* "*liberal trade*" *and* "*every virtue*" *as frightened from our exchange !!* And all this is right—"*such is the license of his profession*"!! Lest however, we should not be altogether prepared to subscribe to a liberty, so full of outrage, Madoc has at hand another subterfuge. We must not connect, or "*fit the application*" of the end with the beginning, or the middle with either. They are detached "*fragments*" "Much is unfinished." "Much is left for the imagination to supply." We are called upon to dissolve all the cement of composition, and to set all its rules at defiance, to make loop-holes, for the retreat, in his necessities, of this licentious assailant. Really the work of insult, which "*the author*" commenced, "*the friend*" has completed. The former represented our city, as void of morals. The latter treats it as though it were void of understanding. "Personal pique" never did, and never shall influence this miscellany. The intimation of it, on the present occasion, is but an additional proof, of which the world has already enough, that the champion of a desperate cause will never be very delicate in the choice of his weapons. We had not the most distant suspicion of the author, nor any clue to lead to the discovery of him. Our judgment concerning him had no other standard than the nature of his production. The turbid, trickling of the stream, is the natural proof of filth in the fountain. From the time and place of the publication of this "Picture of Boston" we had been led to conjecture that it was the *parting requital* of some "travelling foreigner" for attentions received during his residence in this metropolis; very similar to *the requitals*, which several other "travelling foreigners" have made for the misplaced hospitality of our country. We did not *then* deem it possible that any individual, *though a foreigner*, could have had the effrontery to prepare, or even to be the apologist of such undisguised insult, at the very moment, perhaps, when both author and friend were either living by our countenance, or enjoying our civilities. But *the confessions* of Madoc will not allow us to indulge

such a delusion. Madoc, the friend of Caradoc, nay, probably Caradoc himself, is on the spot, or at no great distance. For the shield is protruded, almost as soon as the arrow is sped. He tells us, that he saw *the picture* "previous to its publication." He suggests how "it was sent to the press." And almost engages that the outline, which he defends as so just, and so happy, shall in time be completed. The "*Christian Jews upon our exchange*"—"*our tradeful sons*," have therefore good reason to believe that they are at this moment blackening under this foreigner's pencil, with just light enough from the splendour of a few admitted luminaries of the pulpit and the bar "to make the darkness, with which the painter means to envelope the general character, more visible and hideous. "The confessions" of Madoc are very precious, and ought to awaken our citizens to timely circumspection.

We shall allow this topick no farther to occupy our miscellany. We have yielded enough to *such foreigners as Madoc and Caradoc; be they "travelling" or be they stationary.* We rejoice to think it is in our power to acquit every *native citizen* of being either authour or apologist of these shameless calumnies.

For the Anthology.

REMARKER, No. 24.

Hunc igitur spectemus. Hoc propositum sit nobis exemplum. Ille se profecisse sciat, cui Cicero valde placebit.—QUINTILIAN.

In the present taste for classical literature, which prevails in this part of the Union, it is equally a subject of surprise and regret, that the works of Cicero are so strangely neglected. His orations are learnt by the school-boy as a necessary qualification for academical admission, but are seldom reviewed after his entrance into the university; whilst the other productions of this admirable writer remain unexamined, and consequently unknown. And yet the ablest critick of antiquity affirms, that he is the author, which every scholar should endeavour to emulate, and that we can best judge of our own proficiency by the pleasure we receive from perusing his works.

Mr. Addison observes, that a thought clothed in the language of Cicero, and in that of an ordinary writer, differs as much, as an object viewed by light of a taper, compared with the light of the sun; and the most distinguished writers of harmonious prose seem to have formed their style on his model.

But as this great writer will speak with more effect himself, I shall extract such passages from his Brutus, as may excite a wish in some to become better acquainted with his works. Even under the disadvantage of a translation the sentiments of Cicero will still carry with them considerable weight.

After speaking in high terms of Hortensius, he proceeds to relate the mode of study he adopted for the acquisition of that eminence, which he afterwards obtained.

'I daily spent my time in reading, writing, and private declamation. That I might acquire a competent knowledge of the principles of jurisprudence, I then at-

tached myself to Quintus Scævola, who, though he did not choose to undertake the charge of a pupil, yet by freely giving his advice to those who consulted him, he answered every purpose of instruction to such as took the trouble to apply to him. I also attended the lectures of Molo the Rhodian, who was newly come to Rome, and was both an excellent pleader, and an able teacher of the art. At this time also Philo, a philosopher of the first name in the *Academy*, with many of the principal Athenians, having deserted their native country, and fled to Rome, from the fury of Mithridates, I immediately became his scholar, and was exceedingly taken with his philosophy ; and besides the pleasure I received from the great variety and sublimity of his matter, I was still more inclined to confine my attention to that study, because there was reason to apprehend, that our laws and judicial proceedings would be wholly overturned by the continuance of the publick disorders.

The three following years, the city was free from the tumult of arms, and I pursued my studies of every kind, day and night, with unremitting application. I lodged and boarded at my own house, where he lately died, Diodotus the Stoick, whom I employed as my preceptor in various other parts of learning,but particularly in logick, which may be considered as a close and contracted species of eloquence, and without which you yourself have declared it impossible to acquire that full and perfect eloquence, which they suppose to be an open and dilated kind of logick. Yet with all my attention to Diodotus, and the various arts he was master of, I never suffered even a single day to escape me, without some exercise of the oratorial kind. I constantly declaimed in private with Marcus Piso, Quintus Pompeius, or some other of my acquaintance ; pretty often in latin, but much oftener in greek ; because the greek furnishes a greater variety of ornaments, and an opportunity of imitating and introducing them into the latin ; and because the greek masters, who are by far the best, could not correct and improve us, unless we declaimed in that language.

I now began, for the first time, to undertake the management of causes, both private and publick ; not, as most did, with a view to learn my profession, but to make a trial of the abilities, which I had taken so much pains to acquire. I had then a second opportunity of attending the instructions of Molo ; who came to Rome, while Sylla was dictator,to solicit the payment of what was due to his countrymen, for their services in the Mithridatic war. My defence of Sextius Roscius, which was the first cause I pleaded, met with such a favourable reception, that, from that moment, I was looked upon as an advocate of the first class,and equal to the greatest and most important causes ; and after this I pleaded many others, which I precomposed with all the care and accuracy I was master of.

But as you seem desirous not so much to be acquainted with any incidental marks of my character, or the first sallies of my youth, as to know me thoroughly, I shall mention some particulars, which otherwise might have seemed unnecessary. At this time my body was exceedingly weak and emaciated ; my neck long and slender ; a shape and habit, which I thought liable to great risk of life, if engaged in any violent fatigue, or la-

bour of the lungs. And it gave the greater alarm to those who had a regard for me, that I used to speak without any remission or variation, with the utmost stretch of my voice, and a total agitation of my body. When my friends, therefore, and physicians, advised me to meddle no more with forensick causes, I resolved to run any hazard, rather than quit the hopes of glory, which I had proposed to myself from pleading. But when I considered, that by managing my voice, and changing my way of speaking, I might both avoid all future danger of that kind, and speak with greater ease, I took a resolution of travelling into Asia, merely for an opportunity to correct my manner of speaking. So that after I had been two years at the bar, and acquired some reputation in the forum, I left Rome.

When I came to Athens, I spent six months with Antiochus, the principal and most judicious philosopher of the *Old Accademy* ; and under this able master, I renewed those philosophical studies which I had laboriously cultivated, and improved from my earliest youth. At the same time, however, I continued my rhetorical exercises under Demetrius the Syrian, an experienced and reputable master of the art of speaking.

After leaving Athens, I traversed every part of Asia, where I was voluntarily attended by the principal orators of the country, with whom I renewed my rhetorical exercises. The chief of them was Menippus of Stratonica, the most eloquent of all the Asiatics : and if to be neither tedious nor impertinent is the characteristick of an attick orator, he may be justly ranked in that class. Dionysius also of Magnesia, Aschilus of Cnidos, and Xenocles of Adramythus, who were esteemed the first rhetoricians of Asia, were continually with me. Not contented with these, I went to Rhodes, and applied myself again to Molo, whom I had heard before at Rome ; and who was both an experienced pleader, and a fine writer, and particularly judicious in remarking the faults of his scholars, as well as in his method of teaching and improving them. His principal trouble with me, was to restrain the luxuriancy of a juvenile imagination, always ready to overflow its banks, within its due and proper channel. Thus, after an excursion of two years, I returned to Italy, not only much improved, but almost changed into a new man. The vehemence of my voice and action was considerably abated ; the excessive ardour of my language was corrected ; my lungs were strengthened, and my whole constitution confirmed and settled.'

For the Anthology.

ORIGINAL LETTERS

From an AMERICAN TRAVELLER IN EUROPE to his friends in this country.

LETTER EIGHTH.

Rome, Dec. 7th, 1804.

MY DEAR SISTER,

I HAVE undertaken a task more arduous than I had anticipated. The description of Rome is a work of time and exertion. Its beauties are too varied, too great, and too striking, to be passed over in a slight and cursory

manner. When you ramble out of the populous part of the city, beyond the seven hills, on which Rome originally stood, you find yourself amidst deserted and melancholy fields, strewed here and there with the magnificent remains of Roman edifices. Rome is as singular and unique in its *appearance*, as it has been in its fate. Its walls, which are antique and have been preserved in their full extent as they existed in the time of the Cæsars, embraced several miles square, in which scarce an habitable edifice now rears its solitary head. Perhaps some lonely convent, or some splendid and *vacant* church adds a sort of gloomy variety to the scenery. You must not infer from this, that Rome is a dull, or uninteresting city. It is crowded with people in its habitable parts, and motion and splendor are as visible as in any city of the continent. Amidst the deserted fields of ancient Rome strangers often delight to stroll, and scarcely a step is taken but offers some new object to gratify and amuse. Here some temple to the fanciful Gods of the Romans rears its mutilated form ; there the vast arches of a magnificent aqueduct astonish you by their grandeur and extent. On this side, your eye ranges along the immense pile of the palace of the Cæsars ; on the other, the huge relicts of some mausoleum, or the more extended ruins of an imperial Thermes, attract your eager attention. The baths of Diocletian, situated about a mile from present population, though still within the walls, were a surprising edifice, of which very considerable relicts are yet to be seen. The present pope, filled with a noble ardour for the fine arts, and willing, I presume, to repair the losses which Rome has sustained by the depredations of their good allies, and the protector of catholicism, the emperor of the French, has taken unwearied pains to restore the monuments of antiquity, and either to discover new ones, or the residue of those which have been partly discovered. I shall notice these exertions and discoveries as they occur.

The galley slaves, a numerous corps at Rome, are occupied in digging up the remains of the baths of Diocletian. The foundations of this vast edifice are from 15 to 30 feet below the present surface of the earth. The dancing hall of the emperor Diocletian, which appertained to these baths, was discovered in the time of Michæl Angelo, (indeed it had never been covered) and was by that *first* modern architect converted into a church.

The grandeur, simplicity, and beauty of this fine edifice proves the superiority of ancient artists, and the columns of granite, of a size inconceivable to modern builders, of single blocks of that prodigiously hard stone, justly excite our admiration. These pillars cannot be less than nine feet in circumference, and upwards of thirty feet high. That emperors should have exerted all their power and wealth to bring such monuments as the obelisks from Egypt, one can conceive, though the manner may be incomprehensible ; but that they should have incurred the enormous expense of transporting from Egypt these monstrous pillars for every house or edifice of luxury or devotion, is, I confess, to me almost incredible.

This church being one of the largest in Rome, the astronomers have availed themselves of it by drawing a meridian line in it. As we have nothing of the kind in our

country, nor any building which could display one to advantage, I will describe it to you. To form a meridian line, you require a large surface, and a smooth uninterrupted one. The churches of Rome having marble floors, and no interruption from pews or any other objects, (because the devotion of the people is a secondary consideration, and is done in a different manner) they are very well adapted to this purpose. The object of the meridian line is to exhibit, on a visible and perceptible scale, the progress of the sun in the ecliptick. You well know the general system, that from the 21st of March, on which day the sun is said to cross the equatorial line, he travels northward according to appearances, and from 21st June he again travels southward till he reaches the equatorial line again, on the first of September, from whence he makes a similar journey towards the south. Excuse this rough sketch to explain the nature of this line.

A straight line is traced across the church, in a diagonal direction to give it greater length, and extending from south to north. A small hole is made near the roof of the building, and so contrived that the rays of the sun shall always enter through it, and strike the floor at noon, or when the sun is in the meridian. As the rays of the sun in winter make a more acute internal angle with the surface of the earth, than in summer, it will of course strike a further part of this line, and in midsummer, being nearly perpendicular, or forming a less acute angle, it will of course approach nearer the hole in which it enters. It will thus, you see, change daily, as the sun appears to advance or recede in the ecliptick, and of course you are enabled to mark on this line his precise place every day in the year. These marks are accompanied with all the signs of the zodiack, elegantly traced in inlaid marble, and the degrees are marked in the same durable manner. These monuments are honourable to the Italians, and remind us of their well-earned reputation in astronomy. Your literary friends will tell you how much the world owes to the celebrated Galileo, and to the distinguished family of Cassini.

The baths of Titus are more extensive, more perfect, more picturesque, and more useful, than those of Domitian. They are yet in a tolerably entire state. The lower story out of three is almost entire. In them were found many rare curiosities; but the walls of stucco or plaister, still perfect, with antique paintings, whose colours and forms are perfectly visible, have been very useful to those who study the beauties of antiquity. It is thought that they served as the model for some of the best works of Raphael in the same line. These are, and have been for ages, under the surface of the earth; and by what art the Romans could make their plaister and their colours so durable as to resist the effects of time and humidity, is astonishing to every one.

After all, I can give you but a very imperfect notion of these things in description. Plans and stamps which I shall bring home with me, and one hour's conversation, will do more than pages of laborious description.

The baths of Caracalla were as extensive nearly as the others, and the remains are as respectable, but not so curious. The only thing which the ancient and modern barbarians have left us in these baths to admire, is the extent and solid-

ity of the Roman edifices. The size and form you can see, and the thickness of the walls, but the ornaments are chiefly gone. All their buildings were clothed within and without with marble, stone, or some other beautiful covering, and ornamented with richest statuary. The walls consisted of a surprising thickness of bricks, laid in excellent mortar.

These walls are now in many cases stronger and more beautiful in point of masonry than modern edifices. Their grandeur, solidity, and extent, are the objects which strike us most.

What must have been ancient Rome, when it had standing, at the same time, publick baths that would accommodate at one moment 6000 persons; when its various theatres would contain 500,000 spectators; when 5000 wild beasts, all brought from Africa or Asia, were sacrificed in a single spectacle; when its environs extended from Rome to Otricoli, 40 miles, lined with houses, palaces, and temples!!! What are the awful reflections on its fate, when we find no country, no spot on the habitable globe so deserted, so wretched as the campania of Rome, the seat of so much splendour, of so much human grandeur!

For the Anthology.

SILVA, No. 30.

"Non omnes *arbusta* juvant."

BIBLIOGRAPHY.

THE student of *ancient* lore will sometimes relax his mind and amuse his leisure with books in this department of literature. It is pleasant to know the relative value of the edition which we own, or to which we have access; and it is useful to ascertain which is, and where may be found, a more accurate and valuable impression. The anecdotes which respect the men and books, which hold a high rank in scientifick estimation, are among the most interesting topicks of a scholar's inquiry. Every, even the most minute particular concerning them arrests eager curiosity, and repays the most diligent attention. Next to the authors, whose labours have instructed and delighted the world, and are destined to retain their reputation while the world lasts, the classick reader feels grateful to the industrious editors and ingenious scholiasts, who have collated the various copies, and illustrated the genuine text, with indefatigable patience, with learned and critical comments. Who, that has been detained by Homer, and Sophocles, and Xenophon, and Theocritus, and Terence, and Horace, and Virgil, and Cicero, and Longinus, or others of his admired Greek and Roman friends, till the striking of the first, or second, or even third hour of morning, has reminded him that tho' the mind is unconscious of fatigue, the body needs repose; who, that has been often thus delightfully beguiled, (and they who never were have yet to taste the choicest fruits, and enjoy the highest gratifications which learning furnishes) but love to read and hear of Clarke, and Stephens, and Hutchinson, and Warton, and Bentley, and Burmann, and Heyne, and Brotier, and Pearce? Who likewise that has known the exquisite

satisfaction, which excellence of typography affords, but thanks and praises theElzevirs and Aldi, Crispinus, Baskerville, and Bensley ? In our country we have experienced this last pleasure but very imperfectly. Publick libraries have hitherto been few, and the institutions to which they have been attached embraced so many objects, and possessed so few resources, that very rarely indeed have they been able to purchase the most valuable and best editions. Some treasures of this sort, from the munificence of individual *foreign* benefactors, enrich the alcoves of Harvard, but taste has not been much excited, or industry employed, for discovering or describing them. Few probably know, and perhaps not many care, that there are sets of works deposited at Cambridge, of which curious collectors, learned societies, and even royal purchasers would vie for the attainment at almost any price which jewish avarice could demand of princely affluence. Among others, there is a copy of " The Court of the Gentile's by Theophilus Gale," containing the original manuscript of that portion of the work which it was necessary to expunge, in order to obtain an " imprimatur." It is well known, that this learned author was a nonconformist ; and as he had discussed with too much freedom some of the ceremonies and observances of the episcopal church, he was refused the patronage of Oxford university, unless he would suppress the obnoxious chapters. They were not however destroyed ; and if tradition, and the information of a thorough and elegant scholar, formerly librarian, be correct, we are indebted for them to Mr. Hollis. The writing is very fair ; and the topicks of inquiry are curious and interesting. It would gratify many, if these chapters of a profound and curious work, by an author whose bequest of his large and valuable library to our alma mater has endeared his memory to her sons, might be printed in the Anthology.

Another curiosity of immense worth belongs to this ancient seat of learning. Of the ' Biblia Polyglotta Waltoni,' a very few copies were impressed on paper of a very large size and superiour quality. Dibdin supposes ' there are about twelve of this sumptuous publication ; and of Castell's Lexicon' (which should always accompany the bible) ' not more than three in the world.' Our college has one entire set, which was a present from the author to lord Clarendon, in 12 vols. imperial folio, of this ' *editio princeps & optima.*' The Lexicon in this form is incomplete. There are two copies besides both of Polyglott and Lexion, of common size and quality.

Having mentioned Dibdin's ' Introduction to rare and valuable editions of the Classicks,' &c. will it be thought invidious to remark, that in a very partial examination and limited occasional consultation of it, many omissions have occurred. For some of these the author and his friends may plead, that the design and limits of the volume exclude an enumeration of the smaller and more inconsiderable editions. But is not this a defect in the design, especially as a mere catalogue, with some discriminating figure or character to designate,which of these common copies were most correct and valuable, would not have greatly swelled the work, and would have been of vast convenience and benefit to a numerous portion of literary men ? Most of this class in our

country, who possess any classicks besides those studied in the schools, are necessitated to content themselves with the small editions of Geneva and Amsterdam. Few are able to purchase the larger ones; and those who might afford, could not, till lately, procure many of the poets and historians of Greece and Rome in the best impressions. Of those which they could have, very little if any account is to be found in the work before us, and some of them we think entitled to a place, if not a description. Hesiod, Theognis, Phocyllis, Theocritus, Simmias, Bion, Moschus, Musæus, and the Minor Poets, with annotations, scholia, and a latin metrical translation, by John Crispin, have intrinsick value for accuracy and neatness of type, and are curious from the history of the editor:—This scholar and gentleman was a lawyer of some distinction; but having entangled himself in a religious dispute with some doctors of the Sorbonne at Paris, about 1598, he retired to Geneva and there established a press, from which were issued many of the Classicks and aGreek Testament, which possess a considerable and merited estimation. —Bond's Horace, 12mo. 1696, with marginal annotations, is recollected with regard, for the facility it afforded to juvenile studies. Elzevir's Plautus, 12mo. Amstelod. 1652. is a very neat and a correct specimen of printing; as is Sallust, 12mo. Amst. 1643. apud Jansonium. Omitting particular notice of some good editions of Cicero 'De Oratore,' and 'De Officiis,' of Justin, of Ovid, and of Terence, which are not to be found in Dibdin, (though of this popular dramatist we must add, that politeness, as well as justice, seemed to require an acknowledgment to Madame Dacier, who had favoured us with the rare gift of a translation and criticisms of a latin author from a lady;) this tedious *ramble* will close by sincerely wishing and hoping, that some able person will compile and publish, as an appendix to the larger works of Bibliography, a list and comparative estimate of those impressions of the Classicks, which are in most general demand and use.

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LIBRARIES.

Large collections of books have ever been the favourite haunts of the learned. They not only aid researches, but they excite a zeal and inspire ambition to acquire knowledge. Who has not felt the enthusiasm, which a valuable and extensive library kindles? who will not acknowledge that some of the noblest plans and purposes of literary utility and elegance have originated in these repositories of genius and erudition.

If, as has been often argued, the grade of intellectual character in a people may be in a good measure computed from their attention and liberality to such establishments; it must excite the most agreeable emotions to reflect on the progress which we are making in this respect towards respectability. To say nothing of the Athæneum in this metropolis, which, if pursued with the zeal and ability with which it has been commenced and progressed thus far, will vie at no distant day with the most celebrated institutions of Europe, it must be a source of pride and pleasure to notice the attention which is now paid to municipal and professional social libraries. In this town and vicinity the gentlemen of the bar, and in medical practice, have for some

time been collecting libraries in their respective sciences; and the ministers have recently commenced one in their's. The corporation of 'King's Chapel,' with polite and ready liberality,have deposited in the Theological Library a very valuable collection of books, presented to them by the society in England for propagating the gospel. Among these is a very excellent copy of the Polyglott of B. Walton,and a greater number of the Fathers than are probably to be found in America. At the time of the revolution, and the general confusion which ensued on the commencement of that event, many books belonging to this church were removed and scattered. They may be easily known by those into whose hands they have fallen, each volume being impressed with gilded letters on one cover 'De Bibliotheca de Boston,' on the other 'Sub auspiciis Wilhelmi III.' Any person, who may possess such books, or know of any, is requestto return them, or give information where they may be found to any member of the Chapel Society, or to the chamber of the Theological Library in Devonshire Street.

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MISNOMERS.

In the Review of Holmes's Annals,in the Anthology for February, an anonymous history of South-Carolina and Georgia is attributed to Mr. *Hewit*. This gentleman's name has also been mistaken by Drayton in his View of South-Carolina, by Dr. Morse, and others. The true orthography is Hewatt, Rev. Alexander, now D.D. one of the ministers of Edinburgh.

He was a clergyman of the Scotch Presbyterian Church in Charleston, S.Carolina; but being a royalist, he went home at the breaking out of the differences with the mother country. A volume of sermons, published in 1803, has added to his former high reputation as an elegant and correct writer. He purposed in 1806 to republish his history, which has now become very scarce, with a continuation to that period. We hope he will prosecute his purpose and meet with the encouragement he richly merits.

Another very common and general mistake in spelling has often excited surprise, and been the subject of fruitless inquiry. The capital of the Windward Carribbee islands is uniformly written Barbados by the residents there, in the royal commissions to the governours and officers, and by the best geographers and gazetteers, till within a few years. For some *reason*, or *none*, a gratuitous *e* has been inserted in the last syllable by recent historians and topographers. Hughes' Natural History of the Island, Douglas's Summary, Burke's European Settlements, and most if not all before 1775 have the ancient, and as we think, till better advised, the true orthography.

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COMMENCEMENT DAY

is an attractive festival to all descriptions of our people. The wealthy welcome it as one of the occasions on which they may nobly exercise hospitality, or participate, in turn, of the elegances of a college entertainment. The man of business is pleased with the opportunity of a holiday to take a pleasant excursion into the pleasant villages which surround our metropolis. Persons of various classes and ages unite in its celebration, and with one heart and voice pronounce it a favourite

season, and to this vicinity the carnival of the year. But to Harvard's sons this day has a peculiar value. It interests all their social, it delights all their literary attachments. Reason and feeling combine to endear the venerable domes and groves of Cambridge to all who have tenanted those walls and strolled in those woods. The meeting of classmates and cotemporaries revives the loved impressions of former years. The cares and perplexities, disappointments and regrets of vulgar life, are at these precious moments forgotten; and with hearts void of care and vexations, as in old times, they crowd to the chapel of prayer and the hall of refreshment. Here many solemn recollections crowd on the memory of numbers whose faces once gladdened these rooms, now not to be seen there; some detained by indispensible avocations, some remote in foreign climes, some registered in the catalogue of death. By the literary exhibitions they are reminded of their own efforts at eloquence and argument; and probably acknowledge that few if any after attempts have seemed to themselves so successful, or given so much satisfaction. The antique chair, from which is pronounced the classick meed; the academick fraternity in their appropriate garbs; the crowd of spectators, all with smiling countenances and gay attire, agreeably engage the thoughts and amuse the fancy. The temperate gratifications of the festive board succeed; and 'commons are remembered with many pleasing & mortifying associations.' They unite in the solemn song,

"Which our Forefathers' pious care
To us has handed down,
And Generations yet to come
Shall, to their unborn Heirs,
Religiously transmit the same
And they again to theirs."

This customary service past, and one tributary glass gone round to 'the memory of revered instructors and beloved associates,' one soothing çigar consumed, and a pensive glance taken all around, under the impression that it may be the last time these joys are to be tasted, each retires, and returns home, 'dragging at each remove a lengthening chain.'

—

LATIN POETRY.

One loves occasionally to look over the efforts of modern genius to imitate ancient song. From the literary repast on the mature fruits of Virgil and Horace, Juvenal and Ovid, we recur for a little time to Grotius and Milton, Gray and Addison, as at our social compotations we sometimes diversify the rich wines of the Western Isles with preparations and admixtures from our own orchards and gardens. Courteous friend, will you sip with us one *glass* (no *pun* is meant, be assured) of *Addison*.

BAROMETRI DESCRIPTIO.

"Quin age, sume tubum fragilem cui densior aër,
Exclusus; fundo vitri subsidat in imo
Argenti stagnum; ut, pluvia impendente, metallum
Mobile descendat, vel contra, ubi postulat aestus,
Prodeat hinc liquor emergens, ut rursus inane
Occupet ascensu, tubulumque excurrat in omnem."

—

BLENHEIM PARK.

The palace or castle of Blenheim, one of the most magnificent piles of architecture in Great Britain, and perhaps in the whole world, stands in the finest part of one of the finest counties in England, within half a mile of the borough of New Woodstock; dis-

tant about eight miles from the University of Oxford, and sixty-three from London. The surrounding country is fertile and irriguous, adorned with woods, and abounding with seats of the nobility and gentry; the air is pure, mild, and salubrious; and all the necessaries and many of the elegancies of life are plentiful and choice.

Blenheim was built at the publick expense in the reign of queen Anne, by whom, with the concurrence of parliament, which voted half a million for its completion, it was conferred, together with the annexed demesnes, on the most illustrious John Duke of Marlborough, as a testimony of royal favour and national gratitude for his transcendent services, and the many signal victories he had gained over the French and Bavarians, particularly that near the village of Blenheim, on the banks of the Danube, from which this noble palace receives its name.

Blenheim is the triumph of picturesque gardening....it is the nobler triumph of national generosity. Imagine a magnificent park of twelve miles square, where all the sublimity of thousands of aged oaks and elms, the beauty of a spreading lake, the swell of hills and lawns, the continual softness of a velvet turf, the sportiveness of deer, kids, horses, and the massive grandeur of Vanbrugh's architecture, are all brought together in one coup d'œil, and you will get a faint idea of some of the views with which this spot abounds. Versailles with all its grand formality would be really uninteresting, if it could be put by the side of Blenheim. Such is the difference between nature assisted by art, and nature destroyed or concealed by art, though a thousand times more laborious, and expensive.

POETRY.

FOR THE ANTHOLOGY.

Liverpool, 18th June, 1807.

MY DEAR FRIEND,

The following loose version of the twenty-fourth ode of the first book of Horace, beginning 'Quis desiderio sit pudor, aut modus,' is the fruit of one of those many hours in which the remembrance of our dear Walter fills my mind. It has no merit as a translation; but the application of it to a friend so dear as he was to us, however faintly it may express our grief, can never appear to you unnatural. I have omitted in the last verse some of Horace's mythological sentimentality, and added a sentiment which, I suspect, rarely troubled the Epicurean friend of Virgil.

AD VIRGILIUM. DE MORTE QUINTILII VARI.

Quis desiderio sit pudor, aut modus
Tum chari capitis? Præcipe lugubres
Cantus Melpomene, cui liquidam pater
Vocem cum citharâ dedit.
Ergo Quintilium perpetuus sopor
Urget? Cui pudor, et justitiæ soror
Incorrupta Fides, nudaque Veritas,
Quando ullum invenient parem?

Multis ille bonis flebilis, occidit;
Nulli flebilior, quàm tibi, Virgilî.
Tu frustra pius, heu, non ita creditum
Poscis Quintilium Deos.
Quod si Threïcio blandiùs Orpheo
Auditam moderere arboribus fidem
Non vanæ redeat sanguis imagini,
Quam virgâ semel horridâ
Non lenis precibus fata recludere
Nigro compulerit Mercurius gregi.
Durum. Sed levius fit patientiâ
Quicqnid corrigere est nefas.

TRANSLATION.

TO W. S. S. ON THE DEATH OF OUR FRIEND A. M. WALTER.

Pour, muse, thy melancholy voice,
Responsive, to thy mourning chords:
—He's dead, and altered are the joys
Which life without him still affords.

Does he then sleep in death forever?
Oh no! for Faithfulness, and Truth,
Friendship, and Science too, shall never
Cherish again so fair a youth.

Dear to the good he died lamented;
To you how dear your sorrows say.
But cease; for ne'er has Death consented
To yield us back so rich a prey.

What though your prayers were warm as e'er
Assailed the mercies of the skies?
Ne'er shall the hue of health appear
To warm his cheek, or light his eyes.

'Tis hard; but patience slow and mild
Corrects the ills she can't remove.
—Father of mercies! take thy child!
His friends shall ne'er suspect thy love.

SELECTED.

THE MOLE HILL.

Tell me, thou Dust beneath my feet,
Thou Dust, that once hadst breath;
Tell me, how many mortals meet
In this small hill of death.

The Mole, that digs with curious toil
Her subterranean bed,
Thinks not she ploughs a human soil,
And delves among the dead.

Yet ah! where'er she turns the ground,
Their ashes still I see,
For every atom of this mound
Was once alive, like me.

Like me, those elder-born of clay
Awhile enjoy'd the light;
They labour'd through their little day,
And went to rest at night.

My night is coming on apace,
And soon, as seasons roll,
My dust, like theirs, shall mark the place
That hides the mining Mole.

Far in the regions of the morn,
The rising sun surveys

Palmyra's palaces forlorn,
Unveiling in his rays.

The Spirits of the desert dwell,
Where eastern grandeur shone;
And vultures scream, hyænas yell,
Where Beauty held her throne.

In wild magnificent decay
The palsied fabricks frown,
For storms have rent their strength away,
Till breezes rock them down.

There oft the pilgrim, as he stands,
Sees, from the broken wall,
The shadow tottering on the sands,
Ere the loose fragment fall.

Destruction joys, amid those scenes,
To watch the sport of Fate,
While Time between the pillars leans
And bows them with his weight.

But towers and temples, crush'd by time,
Stupendous wrecks! appear
To me less mournfully sublime,
Than the poor Molehill here.

Thro' all this hillock's crumbling mould,
Once the warm life-blood ran:
—Man! thy own ruins here behold!
Behold *thy* ruins, Man!

Methinks the dust yet heaves with breath;
I feel the pulses beat:
O in this little hill of death,
How many mortals meet!

By wafting winds, and flooding rains,
From ocean, earth, and sky,
Collected here, the frail remains
Of slumbering millions lie.

O that the Muse's eye might trace
Each atom's former state,
Or pierce the Spirit's hiding place,
To scan its future fate!

Ah me!—the light of heaven decays,
And through the closing night,
The visions of departed days
Gleam on my opening sight.

All ages, and all nations, rise;
For every grain of earth
Beneath my feet, before mine eyes,
Is startled into birth.

Where late the humble Molehill stood,
A mighty army stands,
From years beyond and since the flood,
From nigh and stranger lands.

Like rising mists, the shadowy forms
O'er the deep valley spread,
And like descending clouds, in storms,
Lour round the mountain's head.

O'er the wide champaign as they pass,
Their footsteps yield no sound,
Nor shake from the light trembling grass
A dew-drop to the ground.

Among their undistinguish'd hosts,
With transport, I behold
Awful, sublime, terrifick ghosts,
—Heroes and kings of old:—

Tyrants, the comets of mankind,
Whose blighting influence ran
Through all the Eden of the mind,
And smote, and mildew'd man:—

Sages, the Pleiades of earth,
Whose genial aspects smiled,
And flowers and fruitage sprang to birth
O'er all the human wild.

Yon gloomy ruffian, gash'd and gor'd,
Was he, whose care and skill
First beat the ploughshare to a sword,
And taught the *art* to kill.

Behind him skulks a shade, bereft
Of fondly-worshipt fame:
He built the pyramids,—yet left
No stone to tell his name!

But who is he, with visage dark
As tempests when they roar?
—The first who push'd his daring bark
Beyond the coward shore.

Through storms of death, and seas of graves,
He steer'd with steadfast eye;
His path was on the desert waves,
His compass in the sky.

That youth, who lifts his graceful hand,
First smote the marble block,
And Beauty leap'd, at his command,
A Venus from the rock.

Trembling with ecstacy of thought,
Behold the Grecian maid,
Whom love's enchanting impulse taught
To trace a slumberer's shade.

Sweet are the thefts of love,
She stole his image while he lay,
Kindled the shadow to a soul,
And breathed that soul through clay.*

* *The daughter of a potter at Corinth pencilled out the shade of her lover on the wall, by candle-light, while he slept, which her father filled up with clay, and baked the image in his furnace; thus producing the first rude portrait of the human face.*

Yon list'ning nymph, who looks behind,
With countenance of fire,
Heard midnight musick in the wind,
And framed th' Æolian lyre.

All hail!—the Sire of Song appears,
The Muse's eldest born,
The Sky-lark in the dawn of years,
The Poet of the morn.

He from the depth of cavern'd woods,
That echoed to his voice,
Bade mountains, vallies, rocks, and floods,
And heaven and earth, rejoice.

Charm'd into meekness, while he sung,
The wild beasts round him ran;
But O the triumph of his tongue!
—It tamed the heart of man.

Dim through the midst of twilight times,
The ghost of Cyrus walks;
And yonder, red with glorious crimes,
Stern Alexander stalks.

Here Hannibal, in all the pride
Of scowling hatred lours;
There Cæsar,—Brutus at his side,—
In fiery grandeur towers.

With moon-light softness, Helen's charms
Break through the spectred gloom;
The Cynosure of Greece in arms,
That blaz'd o'er Ilion's tomb.

But Homer,—see the bard arise!
And hark! he strikes the lyre;
The Dardan warriors lift their eyes,
The Grecian chiefs respire.

And while his musick rolls along,
The towers of Troy sublime,
Rais'd by the magick breath of song,
Mock the destroyer, Time.

For still around th' eternal walls
The storms of battle rage,
And Hector conquers, Hector falls,
Bewept in every age.

Genius of Homer, were it mine
To track thy fiery car,
And in thy sunset course to shine
A radiant ev'ning star;

What theme, what laurel, might the Muse
Reclaim from ages fled?
What realm-restoring Hero chuse
To summon from the dead?

Yonder his shadow flits away:
—Thou shalt not yet depart;
Stay, thou transcendent spirit! stay,
And tell me who thou art.

—'Tis ALFRED!—In the rolls of fame,
And on a midnight page,
Blazes his broad refulgent name,
The watch-light of his age!

A Danish winter, from the north,
Howl'd o'er the British wild;
But Alfred, like the spring, brake forth,
And all the desert smiled.

Back to the deep he roll'd the waves
By mad invasion hurl'd;
His voice was liberty to slaves!
Defiance to the world!

And still that voice, o'er land and sea,
Shall Albion's foes appal;
The race of Alfred *will* be free:
—Hear it,—and tremble,—Gaul!

But lo! the phantoms fade in flight,
Like fears that cross the mind,
Like drowning seaman's shrieks, by night,
That faint along the wind.

They were,—they are not,—all is past:
—Tell me,—but who can tell
In what mysterious regions cast,
Immortal spirits dwell?

I know not,—but I soon shall know,
When life and suffering cease;
When this desponding heart lies low,
And I shall rest in peace.

For see,—on death's bewildering wave,
The rainbow, HOPE, arise;
—A bridge of glory o'er the grave,
That bends beyond the skies.

From earth to heaven it swells, and shines
A pledge of bliss to man,—
Time with eternity combines,
And grasps them in a span.

Sheffield, England, May 2, 1806.

THE BOSTON REVIEW,

FOR

AUGUST, 1807.

Librum tuum legi & quam diligentissime potui annotavi, quæ commutanda, quæ eximenda, arbitrarer. Nam ego dicere vero assuevi. Neque ulli patientius reprehenduntur, quam qui maxime laudari merentur. PLIN.

ARTICLE 46.

Reports of cases argued and determined in the Supreme Judicial Court of the Commonwealth of Massachusetts, during the year 1806. *By Dudley Atkins Tyng, esq. counsellor at law.* Newburyport, E. M. Blunt. *pp.* 268.

REPORTS of judicial decisions, when accurately made, are instructive to the general reader, and of the highest utility to the professional advocate. In all countries such decisions are examined with publick interest, and in those, where courts promulgate the binding law of the land, unalterable except by the legislature, they have obtained peculiar reverence. In a free government, where the life, liberty, and property of every person is subject to the control of the laws, and of the laws only, their security requires, that tribunals of justice should not only be enlightened and impartial, but should be so deemed in the publick opinion. Nothing can be better calculated to enforce such a belief, than a correct detail of their proceedings.

Within the last half century a variety of reports of decisions, in the superior courts of Great Britain have been published, which in authenticity and accuracy are undoubtedly far above those which preceded them. With the exception of a few, and among these should certainly be named the commentaries of Plowden, and the Reports of Dyer, Coke, and Saunders, the ancient reporters are generally obscure in their method, and frequently inaccurate in their statements and language. Loose notes from the paper books of eminent judges, or hasty sketches from the briefs of eminent counsel have too often been crowded into the publick view 'with all their imperfections on their head,' and added to the perplexities and the doubts of succeeding ages. We can hardly be deemed severe, if with Mr. Justice Buller*, we include in this number the collections under the name of Comberbach and Noy.

It has therefore been with pride and pleasure, that in the volumes of Burrow, Cowper, Douglas, Henry Blackstone, and the Term Reports, we have seen the modern adjudged cases presented in a succinct and authentick form in nearly a continuous series. Of the various methods, adopted by them, each has its advantages and its defects; but we feel ourselves compelled to prefer that, which unites brevity with precision and clearness. The multiplicity of modern law

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* In Bishop of London v. Fytche Dom. Proc. 1783.

books makes it desirable to reach the point decided with as little unnecessary labour, as possible.

The United States have, until within a few years, trusted to tradition the reasons of their judicial decisions. But with wealth and commerce, and with more enlarged views of jurisprudence it became obvious, that the exposition of our statutes, and the validity of our customs should rest upon a more secure basis, than the memory of man, or the silent influence of unquestioned usage. Accordingly, reports have been published in many states, and of these among the best are Dallas, Cranch, Caines, and Johnson. On the merits of these we are not now called to decide ; but the perusal of some of them induces us to suggest, that the insertion of the elaborate arguments of counsel at full length is neither useful nor necessary. An abstract of the principal points, and a summary view of the leading arguments, urged in their support, comport best with the design of publications of this nature. It adds no inconsiderable weight to this suggestion, that the price of law-books has already become a serious burthen to the profession.*

We have heretofore had occasion to notice a volume of Reports of the Supreme Judical Court of this Commonwealth ; and we announce with pleasure the present, as a continuation under the patronage of the legislature. Mr. Tyng, who has succeeded Mr. Williams in the office of Reporter, offers to the publick, in this first part, the decisions of the year 1806 ; and has executed the task in a manner highly creditable to himself, and we believe, satisfactory to the profession. It was to be expected, that the embarassments of a first attempt under a system not perfectly organized for the pursose, would occasion some errours, which a more distinct separation of law and fact would correct, and some decisions, which a more nice discrimination between *nisi prius* and *bank* duties, would not indulge in regular reports. But in time the novelty of the undertaking would wear away ; and familiarity would render a technical language and manner, of equal ease here as in the arguments and judgments of Westminster hall. We considered therefore the Reports of Mr. Williams as entitled to a candid examination ; and though not perfect in method, yet leading, and honourably leading the way to more exact and more erudite labours. —The gradual improvements, which we anticipated, appear in the volume of his successor, whose modesty has asked indulgence for errours and defects, which, if they exist at all, are neither numerous nor material. In his preface he says ; 'Errours and defects of another class will occur to the learned reader. To the candour of such the Reporter believes, that besides the novelty of the employment to him, several other circumstances will suggest themselves as forming some excuse for such errours and defects.'

The method, which Mr. Tyng has adopted, meets our entire approbation. It states the reasoning of counsel concisely, yet clearly, and the opinions of the court fully, and, as far as our knowledge extends from our own notes, very accurately. The points of the cause, stripped of extraneous circumstances, are generally presented in a space, which is unexcep-

* Dallas and Cranch are particularly faulty in this respect, though we feel no disposition to depreciate their general merit. Johnson is particularly valuable.

tionable. The style is simple, but appropriate; and the judicious arrangement of the scholar and the lawyer is every where visible.

The volume contains a considerable number of cases, some of local, and many of general interest. It is not our design to enter into a minute review of them, either as it respects their juridical soundness, or their relative importance. It is not for us to question the judgments of the supreme tribunal of the commonwealth, delivered by judges of great personal and professional respectability. They have pronounced and declared the law of the land; and from their characters and stations we should not lightly doubt the authority of principles, which have been weighed with care, and argued with solemnity. In the few remarks, which we may hazard in respect to any new cases, we beg to be understood, as less questioning the law, than suggesting difficulties of our own, which are perhaps unfounded.

The decision in the case of Amory v. Gilman (page 1), by which the validity of a wager policy at common law is *here* shaken, if not denied, is consonant in our opinion with the dictates of sound morals and equity. It was a gratification to us to find the opinions of Mr. Justice Buller and Mr. Serjeant Marshall on this subject supported by all the weight of the bench. Should the validity of wagers generally ever come in question, we hope to hear pronounced in the words of an enlightened judge* in this cause, 'It would seem a disgraceful occupation of the courts of any country to sit in judgment between two gamblers, in order to decide which was the best calculator of chances, or which had the most cunning of the two. There would be but one step of degradation below this, which is, that the judges should be the stakeholders of the parties.'

In the Commonwealth v. Andrews (page 14), the court decided, that where goods are stolen in another state, and received in this, as such, the party so receiving is liable to indictment at common law, as a receiver of stolen goods. The liberal spirit which dictated this decision upon principles tending to cement the polity of the Union, will meet, we trust, the attention of our sister states.

The case of Brooks v. Dorr and another (page 39), which decides, that a sailor is entitled to his wages, notwithstanding a capture, in consequence of which he is separated from the vessel, if the vessel afterwards proceed and earn freight, is argued by the judges at great length, and with great ability. It has shaken the case of the Friends, Bell. 4 Rob. Adm. Rep. 143, which had been previously questioned in Beale v. Thompson, 4 East. Rep. 560. At the close of his opinion (page 50) an observation is dropped by the chief justice (Dana), which we fear we do not understand. He says, 'It will be understood, that no decision is made by this judgment, of a case, in which it should appear, that seamen had been hired to supply the place of the Pltff. within the time, for which he demands wages. That is not the present question, and it will be time enough to decide it, when it is regularly before the court.'—On recurrence to the state of facts it appears, that the captain actually hired other seamen to complete the voyage, and during the time for which the plaintiff claimed, and is allowed

* Mr. Justice Parker, p. 6.

wages by the judgment in this case.

In the case of Benson v. Swift (page 50), we observe the case of Mitchill v. Neal, Cowp. 828, cited by the counsel. That case was expressly over-ruled in Burgess v. Freelove, 2 Bos. & Pul. 425 ; but by some may be thought *in some degree* restored by English v. Purser, 6 East. Rep. 395.

In May v. Calder (page 55), it was decided, that the lease of an infant's land by his father, as natural guardian, is void. The expressions used by the court are very general ; but we presume that they are to be referred to the facts of that particular case. In 1 Wooddeson, 459, 460, and authorities cited in note (*l.*) it is stated, that a guardian by nurture may at least make a lease at will. If it did not savour of too much nicety, we should in this case call the father guardian by *nurture*, rather than by *nature*, according to the distinction in Hargrave's note on Co. Litt. 88. b. note (13).

In Richardson and another in error v. Noyes and another (page 56), will be found a very elaborate opinion of the court, delivered by Mr. Justice Sedgwick, in which the doctrine of executory devises is discussed with great learning. At the close of it, we are furnished with a note of the argument of Mr. Parsons, of counsel for the defendants in error, which has been truly declared by the court to be very ingenious and very able.

In page 77 occurs a memorandum of the resignation of chief justice Dana, and we can truly say, in the words of the reporter, ' The remembrance of the impartiality, dignity, and learning, exhibited by him, will be long cherished by those, who have been concerned in the business of this court, while he held a seat on the bench.' The Hon. Theophilus Parsons was appointed as his successor. May this gentleman, so long the distinguished ornament of the bar, for many years continue on the bench, et dulce decus et præsidium.

The case of Perkins v. Burbank (page 81), on a question of special pleading, we admitted with some hesitation ; and had prepared a note of some length on the subject. But knowing, as we do, the peculiar eminence in this branch of law of the chief justice, who delivered the opinion of the court, and considering him entitled to the eulogy of the late lord Kenyon on baron Comyns, ' that he was the ablest pleader of his day in all Westminster hall,' we have feared a fallacy in our view of the case, and have suppressed it.*

In Pearsall and others v. Dwight and others (page 84), is a decision in conformity with the principles in Nash v. Tupper, 1 New-York Term Rep. 402. As it is of considerable importance, and strongly illustrates the doctrine of the operation of the lex loci on contracts, we shall quote in a subsequent

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* Lest however our doubt should appear wholly idle, we would refer to Webber v. Twill, 2 Saund. 227, Humphreys v. Churchman, B. R. H. 289, (this is usually cited, Cases in K. B. 7 to 10 Geo. II. temp. Hardwick), Freeman v. Hurst, 1 T. Rep. 40 ; 1 Tidd's Pr. 3d edit. 637 note (*i*) ; Lawes on Plead. app. 238 and note (2) ; and the note of serj. Williams in Manchester v. Vale, 1 Saund. 28, note 2 ; as shewing that a replication may, without being double, contain separate answers to different parts of an entire plea, provided the whole form but one complete answer to the plea, and one entire support of the declaration ; and that where the plea is entire, and the replication does not contain an answer to the plea, as it respects some counts in the declaration, such replication is bad.

page the opinion of the court, as delivered by the chief justice.

The case of Wright v. Wright (page 109), adjudging that the mother of a bastard child has a right to the custody of it, in preference to the putative father, agrees with Rex v. Soper, 5 T. Rep. 278, and Rex v. Mosely, 5 East. Rep. 224, note (*a*).

In Nelson v. Andrews (p. 164), it is settled, that arbitrators have a right to award concerning the costs of a suit referred to them. And with this agrees the English doctrine in Sheppard v. Brand B. R. H. 53. Chandler v. Fuller, Willes 62. Barnes 56, 58. Roe v. Doe, 2 T. Rep. 644.

In Merry in Rev. *v.* Prince (page 177), the question was agitated, whether the statute of 19 Geo. II. ch. 37, respecting reassurances, extended to this country; and after an able argument the court were of opinion, that it did not.

In Sparhawk *v.* Bartlett (page 188) it is decided, that in this commonwealth an action lies against the sheriff for taking insufficient bail. In England the law is admitted to be otherwise; but the reasons, upon which a different adjudication is made here, are most satisfactorily and learnedly expounded in the opinions delivered by Mr. Justice Sewall and Mr. Justice Sedgwick.

An interesting discussion occurs in the case of Killam *vs.* Ward and others in Rev. page 236, and in Gardner *v.* The Same, cited in page 244 of the same case in a note, respecting the question of the alienage of persons, who went away from this country during the revolution, and adhered to Great Britain. The cases are argued at large, and commented on with great diligence and ingenuity by the court. A variety of important principles seem to be put at rest by these decisions, which we recommend to the examination of the bar.

We have thus noticed in a cursory manner a few of the more striking causes reported in the volume. On the whole, upon a careful review we must express our satisfaction with the manner, in which the work is executed. We confidently believe, that it will reflect honour on the Bar and the Bench. Time may lead to some improvements in the method of an undertaking, the difficulties of which can be realized only by experience. But time will not rob the Reporter of the reputation of diligence and fidelity, nor the court of the praise of ingenuity and erudition.*

As a specimen of the work we shall select one or two of the short cases, which, we regret, are all

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* We are led to observe, that intelligent and fair minds usually think alike on all important occasions, where they deliberately exercise their judgment, and are free from prejudice, from the circumstance, that throughout this volume we do not find one instance, in which the court are divided in opinion. It may therefore be considered as a work containing cases *settled* as well as *adjudged* We observe likewise, that where one judge pronounces the opinion of the court, it usually combines learned research with a dignified style and manner. Instances of this are frequent in the work, and do not require a particular enumeration. A judge, feeling that he is expressing the opinion of his brethren, and that his own character as a lawyer and as a scholar is in question, will naturally on such an occasion exert all the energies of his mind. From the present arrangement of the judicial department, under the auspices of the government of the commonwealth, we indulge the hope, that the juridical character of Massachusetts is about to exhibit a 'novus ordo seclorum.'

our limits will admit. We shall then take our farewell with the recommendation of Horace to the professional student.

Si quid novisti rectius istis,
Candidus imperti; si non, his utere mecum.

'*Thomas Pearsall & al.* v. *Josiah Dwight & al.*

'Assumpsit on a promissory note. As the pleadings in this case are fully stated in the opinion of the court as delivered by the Chief Justice, for the sake of brevity they are here omitted. The question on the pleadings was, whether to an action in this commonwealth on a promissory note made in New-York and payable there, the plaintiffs being inhabitants of that state, and the defendants inhabitants of this commonwealth, a plea of the Statute of Limitations of the state of New-York was a good bar.'

'The opinion of the court was afterwards delivered by

PARSONS, C. J. From the record in this cause the declaration appears to be on a negotiable cash note, payable by the defendants to the plaintiffs, or their order, on demand. To this declaration there is a plea in bar, alleging that the plaintiffs long before, at the time, and ever since the note was executed, were inhabitants of the state of New-York; that the note was there made; that before it was made, and six years before this action was commenced, there was a statute of that state still in force, which, among other things, limited the time of suing an action of this description to six years next after the cause of action accrued, which part of the statute is particularly pleaded with a *profert* of the exemplification of the whole statute, and there is the averment necessary to bring this acion within that statute.

The plaintiffs in the replication neither pray oyer of the exemplification of that statute, nor particularly plead any exceptions made in it, but confess and would avoid the bar, by alleging that the defendants were, during all the time, inhabitants of this state.

The defendants, in their rejoinder, confess and would avoid the replication, by averring that, since the making of the note, and more than six years before this action was commenced, the defendants went and returned to the state of New-York, and were there ten days, with the knowledge of the plaintiffs.

To this rejoinder the plaintiffs demur generally, and the defendants join in demurrer. Whether this rejoinder be good, is the issue in law immediately before the court.

If the matters alleged in the replication are sufficient to avoid the bar, the rejoinder must be bad, because it neither traverses those matters, nor shews any provision of the statute of New-York, by which the effect of the replication is avoided by the collateral facts pleaded in the rejoinder.

For the same reason, if the matters alleged in the bar are sufficient in law, the replication must be bad, for the plaintiffs do not plead any exception in that statute, by which the bar, when confessed, may be avoided. Notwithstanding the *profert* of the exemplification of that statute, yet if it contained any exception, on which the plaintiffs intended to rely, they ought either to have prayed oyer and spread the whole statute upon the record, or to have particularly pleaded such exception in their replication, and then to have made the allegation necessary to bring their case within it. This reasoning is grounded on the opinion that, if that statute can avail in this court, when pleaded in bar, the bar cannot be avoided, but by virtue of some provision of the same statute. As the pleadings now are, the court cannot take notice of any parts of that statute, but of those which are particularly shewn in the bar.

Although the rejoinder be bad, yet if the replication is also bad, the defendants must have judgment, if the bar be good.

Thence the great question in the cause is, whether to an action commenced in a court in this state, by the plaintiffs, inhabitants of New-York, on this note there executed, by the defendants, inhabitants of this state, the statute of limitations of the state of New-York can be pleaded in bar.

That the statute of another state cannot *proprio vigore* have the force of law in this state is very clear, and its effect in this court must depend on the laws of the commonwealth.'

It is a general rule, that personal contracts entered into, and to be performed in any one state, and which are there valid, are to be considered as valid in every other state.

This rule is founded on the tacit consent of civilized nations, arising from its general utility, and seems to be a part of the law of nations adopted by the common law.

To give effect to contracts of this description, is an act of comity due from the courts of the state in which such contracts may be sued to the state in which they may be made.

This rule is subject to two important exceptions. First, that neither the state in whose court the contract is put in suit, nor its citizens may suffer any inconvenience by giving the contract effect. And secondly, that the consideration of the contract be not immoral, and the giving it effect will not have a bad tendency. Under these exceptions, the cases, which do not come within the rule, may be classed.

The contract on which this action is founded is clearly within the rule. It was made in *New-York*, and might there be performed: The plaintiffs, when it was made, were inhabitants of that state, and so are the defendants to be considered in this cause by going and making the contract there: The contract, when made, was valid by the laws of *New-York*: The giving it effect here cannot be injurious to the Commonwealth, or its citizens, nor have an evil tendency: And the consideration is not immoral: The court are therefore obliged, by the laws of the Commonwealth, to consider it as a valid contract, according to the true construction of the rule.

The party claiming the benefit of the note in this case has sued it originally in a court in this state; the law of the state of *New-York* will therefore be adopted by the court, in deciding on the nature, validity, and construction of this contract. This we are obliged to do by our own laws. So far the obligation of comity extends, but it extends no farther. The form of the action, the course of judicial proceedings, and the time when the action may be commenced, must be directed, exclusively, by the laws of this Commonwealth.

These are matters not relating to the validity of the contract; and to permit the laws of another state to control the court in its proceedings concerning them, would intrench upon the authority of our own laws unnecessarily and for no principle of *common utility*. Cases may also be supposed, in which this permission might be injurious to our citizens. If the state, in which the contract was made, had no statute of limitations, then by the *lex loci* the action might there be commenced at any time, and if the plaintiff should afterwards remove to this state and commence his action in our court, the defendant would be deprived of the benefit of the limitations here in force. That the form of the action must be conformable to our laws, the case of *Folliot vs. Ogden* (7) is an authority. In giving the opinion of the court, *Lord Loughborough* considers it as law, that when a bond made in a foreign state, by whose laws it it assignable, is sued at law in *England*, the suit must be according to the laws of *England*, in the name of the obligee, and not of the assignee, although it be for his use, because, there, bonds are not assignable *at law*. As to

(7) 1 *H. Blacks.* 135.

the time when the suit may be commenced, no authorities in point have been cited from our books, nor do I recollect any :(8) but the subject has been considered by foreign jurists of great merit.

In the prelections of *Huber*, under the title *De Conflictu Legum*,(9) he states a case, in which an action was commenced in a court of *Friesland*, by an *Hollander* against a *Friesiander*, on a contract made in *Holland*, and the limitation, in force in *Friesland*, was pleaded against the action. The *Hollander* contended that it could not be pleaded against him, to that contract, which was to be decided by the *lex loci*, or the laws of *Holland*. But the judgment was against the *Hollander*. After mentioning another case upon execution, in which the *lex loci* was not allowed to govern, the author adds —"*Hæc est ratio, quod prescriptio et executio non pertinent ad valorem contractûs, sed* ad tempus *et modum actionis instituendæ, quæ per se, quasi contractum seperatumque negotium constitit; adeoque receptum est optima ratione, ut in ordinandis judiciis, loci consuetudo ubi agetur, etsi de negotio alibi celebrato, spectetur.*"

It is therefore the opinion of the court that the plea in bar is not good.

Consequently the judgment on the demurrer must be, that it appears to the court that the rejoinder is bad and insufficient in law, &c.

.....

'*Simeon Nelson, plaintiff in errour*, v. *William Andrews.*'

This was a writ of errour brought to reverse a judgment of the court of common pleas for this county rendered in May, 1800. The original action, with all demands between the parties, was referred in the court below and the report of the referrees was that *Andrews*, who was original plaintiff should recover 6 dols. 69 cents damage and costs of reference, with one quarter part of the costs of court. The court, notwithstanding this report, gave judgment for full costs of court, and for this errour the present process was instituted.

Bigelow, for the plaintiff in errour, read the 3d. section of "an act for the limitation of personal actions and for avoiding suits at law," and the proviso annexed to that section, which last is in these words, "provided always, that where judgment shall be rendered upon the report of referrees, full cost shall be taxed for the party recovering, notwithstanding the judgment be under *four pounds*, unless a different adjudication respecting the costs shall be made from the report itself." And he observed that in this case, the referrees having made a different adjudication, the judgment of the court below ought to have been conformed to the report. And he further insisted,

1st. That for this errour the judgment must be reversed *in toto*, and for this he cited *Lampen* vs. *Hatch*(1) and *Cunningham's Law Dict. Title Errour*—and

2d. That the plaintiff in errour was entitled to costs upon the writ of errour.(2)

Ward, on the other side contended

1st. That the judgment in question was not erroneous. The statute gives full costs to all parties recovering damages by the report of referrees, and the referrees exceeded their commission when they made their award respecting the costs. As they had no authority on the subject, the court were right in giving full cost. But

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(8) But see the case of *Duplein vs. De Rouen, in* 2 *Vern.* 540, in which the statute of limitations of *England* was allowed to be pleaded, where the contract was made abroad between two foreigners. C. J.

(9) *Vol.* 2, *Lib* 1.

(1) 2 *Str* 934.

(2) *Ferguson* vs. *Rawlinson*, 2 *Str.* 1084.—*Cro. Car.* 175, 145. *Penruddock* vs. *Clerk, Cro. Eliz.* 659—5. *Rep.* 101. *S. C.*

2dly. If the judgment is erroneous in this respect, this court is competent to set it right by reversing so much of it as is erroneous, viz. three fourths of the full costs: which last being 30 dols. 25 cents, the most that the plaintiff in error is entitled to recover is 22 dols. 76 cents, 1. *Str.* 188: and

3dly. That this being an error in matter of law only, the plaintiff in error was not entitled to costs upon the writ of error.

Bigelow, in reply, cited from "an act prescribing the forms of writs," &c. passed Oct. 30, 1784, Sect. 9.—"in all actions as well those of *qui tam* as others, the party prevailing shall be entitled to his legal costs against the other." And he contended that writs of error were within this provision.

PARKER, J. I am very clear that this judgment is erroneous. A submission of all demands between the parties was a submission of the question of the costs of the suit. If it were not so, the practice has uniformly prevailed, and been acquiesced in. In some cases referrees award a large sum in damages, and yet determine that the party, in whose favour they make their award, shall recover no costs. The practice having thus obtained, I think that the referrees did not exceed their authority, and that the court below, having accepted the report, ought to have conformed their judgment to it. I am therefore of opinion that the judgment of the common pleas should be reversed in part, viz. for the amount of three fourths of the costs allowed: and that the plaintiff in error is not entitled to his costs in this process, the error being entirely in matter of law.

SEWALL, J. The correctness of the judgment brought into question by this writ of error depends on the authority of the referrees to make their award respecting the costs. Without looking into English authorities, it is sufficient that the practice here has been constant and uniform, and has been recognized by the legislature. The court of common pleas ought then to have made their judgment conformable to the report in this case. Not having done so, the judgment is erroneous. It can however be set right, without a reversal *in toto*, and the error being in matter of law only, this must be done without costs.

SEDGWICK, J. The report in this case expressly limited the costs to be recovered by the plaintiff to one fourth part of the *legal* costs of the suit. That report was accepted by the court, and yet judgment was rendered for the whole of the legal costs. Is this error? I am most clearly satisfied that it is. On a general submission of all demands, as was the case here, nothing relative to costs is specifically submitted; but in practice referrees have uniformly awarded respecting them, sometimes for the whole, sometimes for part, and sometimes for none; and this practice has been sanctioned by the court. The statute gives no express authority to the referrees for this purpose, but it clearly supposes such authority to exist. The referrees, then, having had authority to make this part of their report, the party ought to have taken his judgment, accordingly, for the one fourth part of the costs, and not having done so, but the judgment having been rendered for the whole legal costs, is for that reason erroneous.

Where part of a judgment can be reversed, and the rest remain, it is competent for this court to set it right. The error here being in matter of law, there can be no costs on the writ of error.

PARSONS, C. J. The report having been accepted by the court below, they ought to have pursued it in rendering their judgment, unless this part of the report can be rejected as surplusage. But if, by the terms of the submission, the referrees had jurisdiction of the question of costs, their award concerning them is not to be rejected. This practice is of so long standing that it cannot now be shaken,

if we were so disposed. But the practice may be considered as beneficial. There may be reasons, respecting the allowance of costs, which in the minds of referrees would very properly have weight, although they could not be admitted in a court of law. It may appear to them, that a creditor has unduly harrassed his debtor for a trifling demand, or has brought his action before the cause of action had accrued. Many other reasons may be conceived. It was therefore both legal and expedient that these referrees should take the subject of costs into their consideration, and make their award concerning them. The court having accepted the report were bound by it, and ought to have followed it in rendering their judgment. There is no doubt then that their judgment is erroneous. As the error extends to part of the judgment only, it must be reversed for that part, and will remain good for the rest.

Let the judgment be reversed for three quarters of the costs: and as the error was of law, and not of fact, the plaintiff in error is not entitled to costs.

ART. 47.

A voyage to the eastern part of Terra Firma, or the Spanish Main, in South-America, during the years 1801, 1802, 1803, *and* 1804. *Containing a description of the territory under the jurisdiction of the captain-general of Caraccas, composed of the provinces of Venezuela, Maracaibo, Varinas, Spanish Guiana, Cumana, and the island of Margaretta; and embracing every thing relative to the discovery, conquest, topography, legislation, commerce, finance, inhabitants, and productions of the provinces, together with a view of the manners and customs of the Spaniards, and the savage as well as civilized Indians. By F. Depons, late agent of the French government at Caraccas. In three volumes. Vol. I. with a large map of the country,&c. Translated by an American gentleman.* 8vo. vol. 1 pp. 248. New-York, Riley & Co. and Brisban & Brannan.

THIS work is very interesting to the American publick. Our commercial connexions with some of the Spanish dominions, though illicit, have been profitable to us, and favoured by the colonists: but we are always desirous of ascertaining the secret springs of a machine, and therefore shall search these volumes for a knowledge of the unhappy policy, that restrains honourable traffick, and encourages smuggling. In the state of this particular division of the Spanish empire late events have conspired with the intrinsick value of the country to engage us. Without inquiring, whether the designs of Miranda were known to our government, or whether he would have been successful, had he proceeded directly to his place of destination, before the Chevalier d'Yrujo could send advices of his projects, we may wonder at the undertaking to establish a new empire with a force of eighty or a hundred undisciplined Americans.

The Introduction, translated by Dr. Mitchill, is an abstract of the author's work with an exposition of the defects of all other accounts of this country. He begins: 'The work, which I offer to the publick, has no other foundation than truth, nor any ornament but that which is derived from correctness.' He then shews the abundant productions of the colony, which in the hands of an enterprising people, might be increased a hundred fold.

'This sketch, which is rather below than above the truth, proves that there are few regions to which nature has been so lavish of her

favours, as to the one I am describing. In the eyes, and in the estimation of every reasonable man, both Mexico and Peru lose by the comparison; for as I have often had occasion to say, the mines which are daily becoming worse, are very far from insuring to the trade and navigation of the mother country, so many advantages, as can be derived from those productions which each year will renew, and which ages will but augment.' *P.* x. *Int.*

The writer enjoyed the best opportunities for acquiring the information he details to us, and explains the reason of the long ignorance, in which the world has rested, not only upon this, but other parts of the empire of Spain.

'How has it happened, that the statistical account of a country so rich, extensive, and near to Europe as Terra Firma, is to this day so imperfect, while that of regions the most distant and difficult of approach, affords all the particulars that history can desire? It is because no nation repels with so much vigour from its possessions beyond the seas, every thing which is not of its own blood or descent as the Spanish. No stranger can tread in the districts of the Spanish possessions, especially on the American continent, far less become a resident in them, without an express permission from the king. This is very difficult to obtain, except for excursions which have no other object than to enlarge the domains of natural history. On the other hand, the eastern part of Terra Firma not working any mines, no Spaniard has been found willing to devote his talents and his vigilance to the description of a country, which the whole nation, greedy of mines, considers as but an indifferent possession.' *P.* xxi.

Following the introduction we find an excellent map, which has long been a desideratum. Of this we hope American geographers and historians will take due advantage.

The first chapter contains the history of the discovery of the country; its settlement by missionaries; their repeated expulsion; military expeditions; conquest of the interior; and foundations of cities. The first part is too well known to be transcribed; for who cannot trace the course of Columbus, Ojeda, and Vespucius? Over the latter we have hurried, as over a field blasted by the fire of heaven; for who is unwilling to forget the atrocities of the Spanish soldiery? The author blames Las Casas, whom we have usually esteemed the patriarch of the Indians, and the true apostle of the divine religion he taught them.

The second chapter is geographical.

'The country which I have undertaken to describe is the same as that which forms the captain-generalship of Caraccas. It comprehends the province of Venezuela in the centre, the government of Maracaibo on the west, Guiana on the south, the government of Cumana on the east, and the island of Margaretta on the north-east.' *P.* 50.

The description of the lake of Maracaibo is very satisfactory. A remarkable account of a mine on its borders may be worth extracting.

'To the north-east of the lake, in the most barren part of the borders, and in a place called Mena, there is an inexhaustible stock of mineral pitch, which is the true natural pessaphalte. (*pix montana.*) When mixed with suet it is used for graving vessels.

The bituminous vapours which are exhaled from this mine are so easily inflamed, that during the night phosphorick fires are continually seen, which in their effects resemble lightning. It is remark-

ed that they are more frequent in great heat, than in cool weather. They go by the name of the Lantern of Maracaibo, because they serve for a lighthouse and compass to the Spaniards and Indians who, without the assistance of either, navigate the lake, and have no other object for observation but the sun during the day, and these fires at night. Nature seems purposely to have provided them for the protection and security of navigation.' *P.* 69.

Perhaps the lake of Valencia is indebted to the author's love of wonder, or ignorance of philosophy, for the phenomenon he describes.

'This lake is from East N. E. to West S. W. thirteen leagues and a half, and its greatest breadth four. It has an oblong form. It is at the distance of one league from Valencia, and situated in a valley surrounded with mountains, excepting on the west, where it extends into the interiour part of the country.

The waters of twenty rivers are discharged into it without any visible outlet. It is at about the distance of six leagues from the sea, and the space which separates them is filled with inaccessible mountains. It is the more difficult to account for its having no visible passage for discharge, as it receives rivers on all sides, which proves it to be a perfect basin. But, then, how should it have remained the same without increase or diminution of water for so many ages? would evaporation alone, great as it may be between the tropicks, have been adequate to the consumption of so great a quantity as the rivers supply? We must, therefore, suppose, not less out of compliment to human sagacity, than for the honour of natural philosophy, that there exists a subterraneous passage, by which as great a quantity of water is discharged, as is received from the rivers. This opinion, which I only offer as a conjecture, is supported by probabilities, which give it the appearance of an undeniable truth. It is observed, that the boats which navigate this lake, sail with rapidity from the borders to the centre, where the navigator runs the risk of some dangers, but to return to the borders requires more time and trouble. What are we to conclude from this fact, but that there exists at the bottom of the lake an aperture, by which the waters are continually discharged? In this manner it may be accounted for, why this lake has not increased in proportion to the volume of water it has received. And this supposition, whether true or false, might be assigned as the cause of considerable depression, which the waters of the lake have experienced a few years since, and which still visibly continues. Were it possible to augment the quantity of water discharged by the subterraneous passage, the phenomenon would immediately be explained. But without having recourse to any occult cause, the reason of that rapid and continual diminution, is found in the increased consumption which the inhabitants have made of the water of the rivers that are discharged into the lake, in order to refresh their plantations. These waters diffused over a considerable surface, evaporate, or become an elementary principle of vegetation and are consequently lost to the general reservoir, which, as it receives less water, must necessarily decrease. In proportion as the lake diminishes it leaves uncovered lands, lands to which the slime, composed of all sorts of substances, deposited for ages past, has imparted a prodigious fertility. This new soil the cultivator fondly selects for the application of his anxious cares and the exercise of his laborious industry. *P.* 73, 4.

If the reader has a proper notion of evaporation beneath the tropicks, and remembers that these *twenty rivers* are very small, so that the longest has hardly thirty miles course, he need feel no anx-

iety, as we did at first, lest the neighbouring inhabitants may some day be deprived of their lake by its instantaneous departure on its subterranean voyage by increased outlets.

In the account of the rivers we are little interested. He says the river Guigues is sixteen leagues west of Coro. For west read east.

Of the ports we learn, that Porto Cabello, usually called by us Porto Bello, is the finest harbour in America, and La Guira one of the worst.

'The port of La Guira is more frequented than any other upon the coast, and, at the same time, the least deserving of such a preference. Its road is always so open to the breeze, that the sea there is kept in a state of continual agitation, and the violence of the winds frequently occasions damage to the ships which ride at anchor. The surge is very prevalent here, which joined with the winds, contributes greatly to augment the inconveniences of this port. The depth of water does not exceed eight fathoms at the distance of one quarter of a league from the beach. The continual agitation of this road renders loading and unloading tedious, expensive, and difficult; sometimes even impossible. But that is not the only objection that can be made to it; the surge acts with the same violence at the bottom, as on the surface of the water: by which agitation the sand being stirred up and raised from the bottom is carried along by the current, and deposited upon the anchors, till they are in a short time so deeply buried under it, that before the expiration of a month, it is impossible to hoist them; they either break their cables, or are under the necessity of cutting them. To avoid the certain loss which would thus be incurred, every vessel is obliged to hoist anchor once every eight days. All that is necessary to be added to the sketch I have already given of this place, is that the worms commit greater ravages in the port of La Guira than in any other. *P.* 90.

The description of the passage to leeward of Trinidad, called from its difficulty the Dragon's mouth, is particular, and may be useful.

'The gulf of Paria has Terra Firma on the west, and Trinidad on the east. From these two lands, on the north, two points jut out, between which are two* islands, lying, with regard to these two points, due east and west, so as to close the gulf on the north, leaving, however, a sufficient space between them to form four openings, called the mouths of the Dragon, by which it discharges the superfluous waters. The largest, being two leagues broad, is that on the west between Point Paria of Terra Firma and the island of Chacachacares; on the west it is interspersed with rocks; but as they are all visible, and may be approached without danger, the navigator can easily keep clear of them. This is not the case with a rock, which just emerges from the surface at two cables length from the island of Chacachacares; its approach would be attended with some risk. Between the last island and that of Navios is a second mouth smaller than the first, called the Vessels. Its channel lying from N. to S. E. renders it very good for the going out, but very bad for the entrance of ships. The third is formed by the isle of Navios on the W. and that of Monas on the E. It is called the mouth of Huevos *(Egg's-Mouth)*. Its direction is from N. N. E. to S. S. E. It is much more convenient to enter than to go out. The fourth is between that island and the point that is most to the W.S.W.† of the island of Trinidad. It is called the mouth de Los Monos, *(Monkey's-Mouth)* without doubt, because it is narrower, and more difficult, on account of a rock in the middle of it, which, from its position, occasions a continual commotion, at the same time

* It should be three. † W. N. W.

that the land of Trinidad, by excluding the winds, preserves a calm, which is but rarely interrupted by momentary gusts. The passage for small craft lies between the island of Trinidad and the rock.'
P. 99.

From this island of Trinidad the English have a most profitable contraband trade with the Main. In this volume nothing is said on this subject, but we may find it in the next.

The account of the population, manners and customs of the people occupies the third chapter. Much amusing relation is found on these latter subjects. The population is not numerous.

'Thus, after all the information I have endeavoured to procure, I am authorised to allow

To the province of Venezuela, including Varinas, a population of	500,000
To the government of Maracaibo	100,000
To that of Cumana	80,000
To Spanish Guiana	34,000
To the isle of Margaretta	14,000
Total, - - -	728,000

In this population the whites are computed at two-tenths, the slaves at three, the descendants of freedmen at four, and the Indians compose the remainder.

This population upon a soil, whose fertility and extent might not only subsist, but enrich a hundred times the number, is certainly extremely moderate.' *P.* 105.

On page 108 is a strange sentiment:

'Spain, more just or more tender towards her colonies, although without any pretensions to superiour happiness in her domestick concerns, has always directed, and still continues to direct, her whole attention to preserve the purity of their morals, and prevent them from receiving the taint of European corruption. From the 7th of August, 1584, no person has been permitted to go to the West-Indies, unless he could present authentick information with respect to his morals and good behaviour.'

But strangers, we are told, experience greater difficulties in settling in the colonies of Spain, than her own subjects. Yet the author tells us, that one article of the royal order permits residence for a tax of four hundred dollars, and another allows naturalization for a little less than four times that sum. Now, as none but merchants have any desire to settle in the Spanish colonies, and strangers are subject to many inconveniences, or, in other words, naturalized subjects enjoy great privileges, this fine would be readily paid by such, as expected to insure a fortune from the indulgence. But experience falsifies these calculations. The Spaniards are more jealous of intruders than the guardians of the golden fleece. We find on p. 110 some observations, which would support our conclusions without the abundant evidence we receive from American merchants:

'The great difficulty of getting settled in the Spanish colonies naturally excites in the breast of a foreigner, who is in pursuit of fortune, a desire of making a permanent establishment there. Some have fallen, and do fall, daily on the means of eluding the law, either by cunning address, or by the indulgence of the governours or commanders of the places to which they resort. If they are totally inactive, if they lead a life of indigence, intemperance, or, what would most recommend them, of abject beggary, they may remain without molestation, under the humiliating protection of Spanish contempt. If they practise some trade or profession, they are liable

to be denounced, persecuted, and treated as enemies by all the Spaniards of the same trade or profession; they must lend their money to any person who chooses to apply for it; and as soon as their generosity ceases, persecution begins. If they have any acquaintance above the common, they are always suspected; for it is the general opinion of the Spaniards, that every well informed foreigner must be an enemy to the laws of the country. No direct inquiry is ever made with respect to religion, unless the impiety of the individual is become notorious; they never have recourse to this measure, except when revenge has no other means of gratification, and then, nothing is more easy than to prove the irreligion of a foreigner, who had always before passed for a good christian. Witnesses then swear that he has spoken irreverently of the holy mysteries; that he only goes to church in order to be guilty of indecencies; that he has treated the ceremonies of religion with derision, &c. &c. It is however true, that the tribunals divested of the prejudices of ancient times, do not apply the rigour of the law to this sort of delinquency; but people frequently get clear *by some years' imprisonment*, by paying the expenses of prosecution, or by suffering banishment.' *pag.* 111.

The author next speaks of the emigration from the mother country. He says, the new settlers seldom return from the colonies, except indeed the Biscayans and Catalonians. This he observes upon, as the reverse of the principles of the English, French, and other Westindians. But the truth is, all the Europeans consider their Indian colonies as places of exile, where they labour for a fortune solely, and escape as soon as possible. The Spaniards, who grow rich, return home; but the indolence of the majority keeps them poor, as they first arrived; and this is the reason of their continuance in America.

We next find a dissertation on the attachment of the Creoles to their country, and a description, perfectly true, we believe, though far from flattery, of their education and moral feelings.—This is followed by some observations by D. Miguel Joseph Sanz, written with a boldness and intelligence, that we should think dangerous in a Spanish subject.

Of the frequency of law suits, without reason and without end, the author writes much. In a land of liberty litigation must be common; but in a colony, whose government never heard the name of liberty, and whose citizens would be wretched in possession of it, we think the opinion we have sometimes heard must be the only cause. The mother country, it is said, encourages law-suits. Divide, et impera. Keep one half fighting the other, and there is no fear of their fighting us.

The calculations on the quantum of litigation in each person of the two colonies of St. Domingo and Cuba is very erroneous, the former (if he alludes only to the Spanish part, and such, from the current of his argument we should suppose) being rated ten times too high, and the latter too low. If he would compare the French and Spanish colonists, he should have expressed it more precisely.

The relation of the conspiracy in 1797 is interesting and novel. But will not the government of the Spanish colonies be perpetually subject to such commotions? The volcanick fire is now smothered, but it is always labouring for explosion. Of the treatment of the slaves, we believe however, the writer has not formed a just idea, from comparison with their gov-

ernment in other colonies. The Spaniards have usually been praised for their mildness to their negroes.

This chapter is however worthy the attention of the moral philosopher and the politician. Much too is found of general importance in the fourth chapter on the character and government of the savages. But in this part, the shameful policy of Spain is most apparent. The Indians are so numerous, the author says, as to commit depredations on the colonists with impunity, and the Spaniards soon sue for peace.

'At Rio-de-la-Hache, treaties of this kind more frequently occur, than any where else, and the presents by which they are purchased, are attended with some abuses. In fact, they only tend to encourage the Indians to assume a hostile attitude without any real grounds of offence, and by the facility with which the persons charged with the negociation can exaggerate the amount of what has been advanced for pacification, they procure themselves emoluments which must render such events more to be desired than apprehended.' *P.* 220.

The observation is general of the officers in the subordinate departments of the colonies of Spain, that fidelity to their government is their second consideration, private profit the first. Of the miserable result of all the attempts to civilize and christianize the savages, the author gives copious details.

'All the efforts of the legislator to inspire them with a desire of improving their natural faculties have proved abortive. Neither the good treatment which they have received on being admitted into society, nor the important privileges, with which they have been favoured, have been able to eradicate their partiality for the savage life, although at present only known to them by tradition. There are very few civilized Indians, who do not sigh after the solitude of the forest, and embrace the first opportunity of retiring to it. This does not arise from their attachment to liberty, but from their finding the gloomy abode of the forest more congenial with their melancholy, superstition, and utter contempt of the most sacred laws of nature. For three ages have they laboured to impress on this miserable race of men some sense of right and wrong, and yet they are altogether regardless of the right of property, when they can violate it with impunity; they will not abstain from continual intoxication, as long as they are supplied with liquor; they will be guilty of incest whenever they have a convenient opportunity; of lying and perjury whenever it answers their purpose; and they will never submit to labour, but when compelled by hunger.

The Indians are so much accustomed to the practice of lying, and so little sensible of the sacred obligation of truth, that the Spaniards have thought it proper, in order to prevent the unhappy effects that their testimony might cause to innocent persons, to pass a law by which it is enacted, that not less than six Indians are to be admitted as witnesses in one cause, and the testimony of these six shall only be equivalent to the sworn evidence of one white person.

Thus we see that the statesman, with all his expedients and resources, has not been able to accomplish his object.' *P.* 240.

On the whole, we have seldom heard of a book republished in our country, which will repay the labour of perusal better than this; and we hope Brisban & Brannan, who have it for sale, will be compensated for their enterprize.

ART. 48.

Lectures on the elements of chemistry, delivered in the university of Edinburgh. By the late Joseph Black, M.D. professor of chemistry in that university, &c. &c. Published from his manuscripts, by John Robison, LL.D. professor of natural philosophy in the university of Edinburgh. First American from the last London edition. Philadelphia, for Mathew Carey. 3 *vols.* 8*vo.* 1807.

THE writings of Dr. Black are his best eulogy. Much credit, we think, is due to the American publisher, who has presented to his countrymen this correct edition of a work, which is one of the purest specimens of philosophical investigation, and of inductive reasoning, since the age of lord Verulam. The account of discoveries in science, and of the progressive efforts, by which the mind is conducted from known principles to novel conclusions, forms perhaps one of the most interesting inquiries, connected with the history of intellectual improvement. With Dr. Priestley we believe, that the first perception of new principles is often accidental, and excited during the investigation of some collateral branch of science ; it depends, rather, on their connection with some familiar train of reasoning, than on the intuitive efforts of acute and original minds, independent of active exertion. Dr. Black, however, forms an illustrious exception to this observation. If we examine his doctrine of latent heat, we shall find, that, from his first induction to the study of chemistry, he was sensible of the deficiency of the prevailing theory in the explanation of its phenomena. The path, which he pursued, was entirely new ; it was developed by the efforts of his sagacious mind, and by the application of those instruments, with which the genius of true philosophy had made him acquainted. Since his period, however, the science of chemistry has assumed a new and more determined character ; hence if the student expects to find, in these lectures, a collection of all the facts, which are at present known on the subject, he will be disappointed. The interest, which they excite, results from the strength of reasoning and accuracy of his inductions from known facts, and the apparent ease, with which he deduces novel principles. Dr. Black lived sufficiently long to appreciate the discoveries of the pneumatick chemists. For a long period, it had been his duty, as professor, to explain to his pupils the doctrine of Stahl, and he had been accustomed to believe, that it was founded on the laws of nature ; but on a fair view of the principles of the new school, he acknowledged their truth, and, with the candour usually attached to great minds, abjured those hypotheses, which time and the habit of teaching had led him to think immutable. This was the triumph of principle, and the pneumatick theory was soon established, when supported by the ablest and most celebrated chemist in Europe. As Dr. Black probably never contemplated the publication of his lectures, they were left at his death in a very loose and imperfect state. To the labours of professor Robison are we indebted for the regular and connected series, in which they have issued from the press. They are rendered more valuable by the addition of notes by the learned editor ; in these, and in the last part of the work itself, the student will find the principles of pneumatick chem-

istry admitted with the caution of true philosophy. We cannot therefore recommend too strongly these lectures, both to the student of chemistry and to the general scholar. They will afford useful and general information on the chemical arts to the latter, and serve as an introduction to modern chemistry to the former. We are much pleased with the execution of the work, and on comparing it with the Edinburgh edition, we have much reason to be satisfied with the American printer. It is a very favourable specimen of American typography.

ART. 49.

An Analytical Guide to the Art of Penmanship, collected and arranged by Henry Dean, of Salem, Massachusetts. Salem. 1806.

'THE author, having for a considerable time past devoted his whole attention to the subject of penmanship, now offers the result of his experience to the publick. It has been his view in the present publication to introduce a method of instructiou, which will not only lessen the labour, but will also shorten the period of time usually required for attaining the art of writing. The leading principles are to reduce the letters of the alphabet to as few elements as possible, consistently with their practical application, and to conduct the pupils by regular but steady advances from the simplest elements to the most complex ornaments of penmanship.' *Intro.*

As the art of penmanship must at all times constitute a branch of early education, much will be due to those, who, by their method of teaching it, encourage the learner by rapid improvement. Such improvement is best insured by preserving pupils from early errors, which are seldom corrected afterward. For this purpose Mr. D. conducts the learner to the large text, as best calculated to detect disproportions, and give command of hand. A long attention, devoted to successful practice and instruction of penmanship, confer on him an undoubted right to be heard on this subject, when he affirms,

'That portion of his work, to which, from its novelty, the most objections will probably be made, is a part which he considers of the utmost importance, that is, the *large text*, a specimen of which is seen in page 50. He can however say, and confidently, that if any one part of the plan is, more than the rest, peculiarly promotive of the scholar's improvement, this is that part. He is convinced, from the most decisive experience, that nothing has a stronger tendency to give that ease and command of hand, which afford us so much pleasure in the productions of an accomplished penman, than practising this large hand.' *Intro.*

Of trivial accomplishments, no one is of greater utility than penmanship; for a pleasing execution of this art can engage the attention and confer due importance on the subject. A fair copy of nonsense will lead the eye to the conclusion, while an ingenious treatise is degraded in a slovenly manuscript. The account books of the merchant are more frequently approved from the beauty of the figures, than from the correctness of the trial balance; and the validity of an official paper is much established by the execution of the penmansnip. The habit of writing clearly and neatly is therefore well worth the attention of the scholar, unwilling to degrade his productions by rendering them fashionably illegible. We cannot but think this work possesses higher claims to publick attention, than any hitherto published in our country on the subject; as added to the author's own ex-

perience, he confesses to have availed himself of the most splendid works, published with a view of illustrating the 'diplomatick art.' The rules of distance and proportion are as concise, as the nature of the alphabet admits, and are exemplified by specimens handsomely and accurately engraved. Mr. D. has also rendered his work valuable by much curious historical information of the origin and progress of writing and printing, and of the several claims of the ancients to the invention of these invaluable arts. The work is written in an agreeable style, and is worth the perusal of those, whose long habits of scrawling render a recurrence to the first principles of penmanship tedious, if not impossible.

We regret that Mr. D. has not furnished a chapter on the line of beauty; the right conception, and ready execution of which, is the last perfection acquired by the finished penman. He has so well exemplified it in his specimens of the several hands, that we are persuaded he is adequate to its explanation; and although it may not be susceptible of geometrical demonstration, (as every different text requires a different and peculiar line of beauty) yet the learner may be much assisted by some general directions. This line is of so great importance in every branch of penmanship, that unequal distances or thicknesses are scarcely noticed where it is preserved, and on its preservation through the page (especially in all capital letters) depends the beauty of the whole. The just delineation of this line is the first principle of ornamental flourishing; and although this branch of chirography may be justly confined to writing masters, whose profession renders it necessary and lucrative, yet its principles are considered well worth the attention of every penman, especially as this art has arrived to an astonishing degree of perfection, and encroached upon the art of painting in a degree, to snatch some beauties beyond the reach of the pencil or the graver; as the reiterated touches of the former, and the slow progress of the latter, cannot exhibit the light, easy, and free delineations of the pen in a skilful hand. We hope Mr. Dean will be soon enabled, by a rapid sale of the first edition, to add some directions to the second, that may facilitate the right conception and ready execution of a line, so important in every branch of chirography.

ART. 50.

The Voice of Truth, or thoughts on the affair between the Leopard and the Chesapeake, in a letter from a gentleman at New-York to his friend. New-York, printed for J. Osborne.

It is to be regretted, that so able a writer, upon a topick of so much interest and delicacy, should have indulged himself in language so intemperate, and expressions so unmeasured as many which are to be found in this pamphlet. There are so many marks of a wounded and irritated mind, that we are constrained to believe, that the writer is an Englishman. There are too many traits of national feeling, and too great asperity against both parties in America, to permit us to believe, that the author is a native of this country.

However wrong a citizen may deem the policy or measures of his *own* country, his filial, patriotick piety forbids him to withdraw her habiliments, and expose her

weaknesses and defects to an inquisitive and censorious world. If the object of this pamphlet was simply to lash and censure the federalists, without aiming at any ulteriour good effect, it is for *that* reason to be condemned. Satire is only justifiable when it aims at the correction and amendment of the person against whom it is directed, or to warn others who may be exposed to the same errours or vices. If the intent of the writer was to convince the federalists of their past errours, and to engage them to avoid falling into the like snare in future, we must confess, we think, that he has managed the subject with very little knowledge of human nature. Where the moralist has the power to *punish*, instead of persuading, it may be well enough to display all the enormities of the offence, in order to justify the rigour and severity of the chastisement; but where his only office is to allure to duty by persuasion and reasoning, where the address is made to men who have pride, sensibility, reputation, and resentment, it is extremely injudicious to commence the work of reform by telling them, that they have blasted their reputations, that they have violated all their own principles, that they have forfeited all claim to publick respect. This is no approved road to men's attention and confidence. No orator of antiquity, or of modern days, ever adopted this method of gaining the hearts of his audience.

As to the general merits of the pamphlet, there are undoubtedly many truths in it deserving most serious attention; but unhappily they are so decked with foreign prejudices, they are so blended with the national feelings of an Englishman, that they lose much of their effect upon the publick mind, at a moment of so much sensibility.

It is indeed exceedingly to be regretted, that the federalists suffered themselves so readily to fall into the errours which they have so often condemned in their opponents, of appealing to the publick passions, and of inflaming, instead of endeavouring to appease them.

It is also to be lamented, that the sensibility excited by an unexpected outrage on one of our publick ships, should have so far made us forget the *respect due to ourselves*, as to adopt language which, in cooler moments, we have had so much occasion to blush at.

To brand an inferiour officer with cowardice, and even murder, to wish him a *halter* as a reward, when *we knew* that he acted under the written orders of his superiour, is such a violation of decency and good sense, that one would wish to expunge it from the journals of the day.

It must be admitted also, that it was extremely injudicious to give such unqualified opinions on an important transaction, without any suitable knowledge of the facts, especially too when we knew the prejudiced channel through which our information was derived; when we knew that nothing would gratify *certain men* in our country more than to embroil us with Great-Britain; and when it was certainly *possible* that they might have fomented and provoked this *very affair*, solely with a view to widen a breach, which all their conduct for twenty years had been directed to make and increase.

But still we repeat it, that we do not think, that the pamphlet in question is calculated to display this subject in so clear, calm, and dispassionate a manner, as to promise any good effects to the cause

of virtue, good order, and correct principles.

ART. 51.

Papers, consisting of communications made to the Massachusetts Society for promoting Agriculture. Published by the Trustees of the Society. Boston, printed for Young & Minns, printers to the state, by Greenough & Stebbins. 1806. *8vo pp.* 90.

'SINCE the last publication of the trustees,' say they in the preface, 'a munificent provision has been made for the establishment of a professorship of natural history, and a botanick garden, at the university in Cambridge. The trustees of the Massachusetts Society for promoting Agriculture constitute a major part of the visitors of this institution. They hope to be able to discharge this part of their trust in such a manner, as to promote the interests of agriculture, as well as of other arts, connected with the science of nature.' We have no doubt that they will. This ninth number of their papers contains a letter on the culture of potatoes, by Hon. T. Pickering; account of the Millward family; account of the Egyptian millet, by N. Adams; letter on the same subject, by R. Webster; on planting osiers and willows; on boiling potatoes; on the agriculture of the Netherlands; on the propriety of bruising oats for horses; on the use of parsley as food for horses and cattle; food of plants; cider press improved; experiment shewing the importance of selecting the first ripe seeds, by Rev. J. Freeman; on the management of the dairy; account of the manner of making cheese in England; communication on the same subject; on the management of pigs. More than one third of these papers are original and useful communications, and the selections from other publications are judiciously made.

ART. 52.

Two sermons, on quitting the old, and entering the new meeting-house, in the first parish in Newbury. By John Snelling Popkin, A.M. Newburyport, W. & J. Gilman, printers, for A. March. *8vo. pp.* 71. 1806.

WITH the same kind of pleasure that we observe the meanderings of a deep and gentle stream, do we look into the pages of a clear, strong, and unobstructed mind. Such is the sort of mind, which we believe the author of these sermons to possess. His manner of thinking and writing is somewhat peculiar; yet his peculiarity is not offensive. He seems determined to choose his own words, and to place them in his own order, even though he should differ from polished writers; yet the generality of polished readers will be satisfied with his taste. The texts, which he has chosen to affix to the sermons, are such as none, perhaps, except himself, would have selected; yet that person must be deficient in understanding and sensibility, who does not perceive their aptitude to the subject, and that of the subject to the occasion. In the first of these sermons, from Ps. xc. 1. our author follows a series of reasoning on the excellence of religion, by a copious and minute history of the first church in Newbury, and by a luminous and pathetick appeal to the heads and hearts of his hearers. He seriously and tenderly recals to their imaginations the 'venerable forms and fabricks of antiquity;'

and pleasantly retraces the 'strong character, the firm principles, and the pious spirit' of the fathers of New-England. In the second, founded on Luke ii. 14. he charmingly illustrates the benevolence and beauty, the purity and usefulness, the 'design and the effect' of the christian dispensation. Although he seems rather desirous of 'awakening fervent feelings and devout sentiments, than of filling his discourse with cool reasonings and exact speculations,' his words are, however, as happily suited to enlighten the conscience, as to warm the affections. He seizes and uses all the advantages of the occasion for purposes of instruction, and suffers neither circumstance nor appendage to pass unnoticed. Many of his remarks are unexpected, yet natural; and if, in some instances, they border on the abrupt, they have every mark of partaking largely of the heart, and accordingly convey conviction and delight to the hearts of others. The author's notes, contained in the appendix, are written with the utmost freedom, and are extremely entertaining; they display more of history and character in a very few pages, than is sometimes to be found in as many volumes. We close our notice of these valuable sermons with the remarks, which finish the appendix:

'An obvious remark must make the conclusion. The history of mankind, of a nation, of a town, a parish, or any other society, I had almost said, of an individual, is a history of changes, troubles, contentions, and revolutions. For this, two reasons may be given. The first is, that "this is the state of man." The other is, that while persons or societies proceed in the still and even tenor of duty and felicity, history can only say, it is well, they do well, and reap the fruits of well-doing. The objects, which meet the eye of the remote observer, are deviations, commotions, and uncommon facts, which do not often appear in a course of tranquil duty. If Adam and his posterity had remained in a state of innocence, they might have had hymns and discourses of piety and virtue; but they would probably have had few and short histories; genealogies of good men, drawn from father to son along the same path of righteousness and peace; without violence, without intrigues, without efforts against the selfish, the rash, and the artful; without any of those events, which furnish the annals of the world.

Mr. Toppan continued a long ministry without much variation. In all this time he was labouring diligently to teach and exhort his people, and heal their bodies and their minds; and they were receiving the benefit and satisfaction. But this is all said in a few words. Dr. Tucker in the first half of his ministry suffered much tribulation, and of this we have some accounts. But, if we wish to know, what he was doing through the long peace of his latter days, we must go to his works, that are extant; and to his surviving friends, who will tell us in a word, that they esteemed him very highly in love for his work's sake, and that he was an example of what he taught.

Yet it may be useful, to recover what remains of the times that are past, and which is rapidly departing from memory; it may be gratifying to those, who are in any degree connected, or interested in these subjects; and it may lead us to consider the ways of Providence, and the ways of mankind, and from all to derive some improvement. Mankind are the actors, and may be studied in the smaller affairs of a parish, as well as in the greater transactions of an empire. One reflection, at least, let us make and retain, when we search into the records of the dead; that we shall soon be numbered with them, and perhaps be subjects of future inquiries. May we so live, that our memories may be blessed by future generations. And, O Lord of mercy, may we be held in thine everlasting and gracious remembrance, through the redemption which is in Jesus Christ.'

ART. 53.

Masonick and social address, as pronounced, &c. &c. &c. &c. &c. &c. at the laying the corner stone of St. John's episcopal church, in ample form, (where?) on the 24th of June, A.L. 5807. By the Grand Chaplain of the Grand Lodge of New-Hampshire. Printed by William Treadwell, Portsmouth, N. H.

AND have we lived, kind readers, to behold sublimity itself so far out-sublimated?—Longinus awake! spirit of Burke arouse, and animate once more the mortal frame now mouldering in the cemetery's cold mansions! We call you to no 'fancied, fictious scene;' 'tis all reality, 'reality indeed'!! We bid your venerable manes 'turn the retrospective eye' to that eventful day, the twenty-fourth of June, last past, when at the laying of the corner stone of St. John's church, somewhere within the limits, if to us conjecture may be lawful, of our sister state New-Hampshire, the venerable chaplain of said state's Grand Lodge towered, 'towered sublime, within the *compass* of an *oblong square*, enkindling raptures in the mason's soul.—But ah! these times are past, forever past! That festal morn, that solemn noon hath ceased,' &c. &c. &c.

Most patient 'gentlemen subscribers,' 'accept, we entreat you,' some slight specimens of the truly wonderful literary performance on that occasion, with our 'most respectful felicitations, combined with those of the whole fraternity' of criticks throughout the United States, and every where else, in having it in our power to quote from it a few passages unutterably 'magnifical,' and sublime beyond rivalship. The 'elegant and ingenious address' opens thus brilliantly:

'And is the Grand Lodge of New-Hampshire assembled on 'the brow of the hill' where the cassia blooms over the graves of 'the faithful and true?' And are we convened on the right and the left of those tombs, where the worthy and good repose in the silence of death?' *P.* 9.

Referring to the burning of St. John's church, in Portsmouth, which, to speak vulgarly, took fire at the steeple, he rapturously breaks forth:

'Behold! that little, trembling, almost dying spark! Ah see it light on yon tall spire! and gathering strength from every breath of air; and tenfold energy from passive weaknesses of wood, O see! how swift the fell destroyer runs adown its sides! How rapidly he shoots along the kindling roof! How soon he wraps the dome within his blazing arms! infolds it to his glowing breast! and sinks beneath the opening gulf, that yawns below! while instant ruin sits enthroned on heaps of living coals! and ruthless desolation waves her sceptre, round a gloomy, horrid void!' *P.* 11.

Apostrophe to fire:

'Then why, thou tyrant of a day! thou despot of an hour! O, why repeat the vain attempt? Why clothe thy fiery studs in living flames anew? Why speed thy glowing chariot round this hill *the second time?*' *P.* 12.

A new method of extinguishing fire!

'And charity alone can quench the fiery flame in balmy *oil.*'

Water has hitherto been made use of for this purpose: 'but the present is an age of discovery;' and the *oil of charity* may differ in its nature from all the other *oils* with which we are acquainted. The author of this 'elegant and ingenious address,' has however made another discovery, which it is our opinion may be turned to as

good account as the other ; viz. that any quantity of blank verse may be converted into a like quantity of prose, without suffering materially by the commutation, only by cutting down the initials of each line, and by filling out the width of a page, without paying any attention to the verse and measure ; and the profit, according to the nicest calculation, will ever be in direct ratio to the flimsiness of the poetry. We regret extremely that the 'Grand Chaplain' had so small a stock of this poetry on hand at the time of composing this address, since he has been under the necessity of introducing into it too great variety of style. This might have been owing partly to the limited period allowed him to prepare it : if so, we trust the next edition will be much improved in this particular. We should hope likewise to see ten or twelve pages of additional notes, 'historical and masonick,' and the title-page more *circumstantial.*

CATALOGUE
OF NEW PUBLICATIONS IN THE UNITED STATES,
For AUGUST, 1807.

Sunt bona, sunt quædam mediocria, sunt mala plura.—MART.

NEW WORKS.

Reports of cases argued and determined in the supreme judicial court of the commonwealth of Massachusetts, during the year 1806. By Dudley Atkins Tyng, Esq. counsellour at law. Newburyport, E. M. Blunt. 8vo. pp. 268.

Lectures on the Jewish Antiquities. By David Tappan, D.D. late Hollis professor of divinity in the university at Cambridge. 1 vol. 8vo pp. 364. W. Hilliard, and Lincoln & Edmands.

Sermons on important subjects. By David Tappan, D.D. late Hollis professor of divinity in the university at Cambridge. To which is prefixed, memoirs of the life and character of Dr. Tappan, and Dr. Holmes' Discourse at his funeral. 1 vol. 8vo pp. 390. W. Hilliard and Lincoln & Edmands.

Pieces of Irish history, illustrative of the condition of the catholicks of Ireland, of the origin and progress of the political system of the United Irishmen, and of their transactions with the Anglo Irish government. By William James Mac Neven, and Thomas Addis Emmett. New-York, Bernard Dornin. 8vo. $2 in boards.

The Parnassian Pilgrim, or the posthumous works of the late Mr. William Lake, with a sketch of his life. Hudson, H. Croswel. 12mo. pp. 184.

A Philosophical Grammar of the English Language. By Noah Webster, esq. New-Haven, O. Steele & Co. for Brisban and Brannan, New-York.

An Essay towards an exposition of the futility of Thomas Paine's Objections to the Christian religion, being a reply to a late pamphlet written by him, entitled, 'Examination of the passages in the New Testament, quoted from the Old, and called Prophecies concerning Jesus Christ,' &c. By John B. Colvin. 8vo. Baltimore.

The Female Enthusiast, a tragedy, in five acts. By a Lady. Charleston, S. C. printed for the author, by J. Hoff. 12mo. pp. 51. 1807.

An illustration of some difficult passages of scripture on the doctrine of absolute predestination ; attempted in a sermon, by William Woodbridge, A.M. Middletown, J. & B. Dunning. 1805.

The Decrees vindicated, or reconciled with free agency and accountability. By John W. Smith. Poughkeepsie, Nelson & Son.

The Voice of Truth, or thoughts on the affair between the Leopard and Chesapeake. In a letter from a gentleman at New-York to his friend. New-York, J. Osborn. 8vo. pp. 50.

Sentiments on Resignation, by Rosewell Messenger, pastor of the first church in York, Maine. Portsmouth, William Treadwell 1807.

A Journal kept at Nootka Sound, during a captivity of twenty-eight months.

By John R. Jewett, one of the surviving crew of the ship Boston, of Boston, John Salter, commander, who was massacreed on the 22d March, 1803. Interspersed with some account of the natives, their manners, and customs. Boston, Belcher & Armstrong, for the author. 12mo. pp. 48.

An Oration, delivered at Northampton, July 4th, 1807, on the anniversary celebration of American Independence. By Jonathan H. Lyman. Northampton, T. M. Pomroy.

An Oration, delivered at Salisbury, N.H. July 4, 1807. By Ezekiel Webster. Concord, George Hough.

An Oration, pronounced at Groton, in the commonwealth of Massachusetts, on the Fourth of July, A. D. 1807, in commemoration of the Independence of the United States of America, before the Republican Citizens of the town of Groton and the vicinity ; but principally the inhabitants of the towns of Chelmsford, Dunstable, Littleton, Lunenburg, Westford, Harvard, Townsend, Shirley, Pepperell, Ashby, and Boxborough. By Samuel Dana. *Olim, hæc meminisse juvabit.* 8vo. Amherst, N.H. Joseph Cushing.

A Discourse, delivered at the funeral of Mrs. Mary Woodward, consort of the late Hon. Professor Woodward, in the meeting-house near Dartmouth college, March 29, 1807. By Roswell Shurtleff, A.M. professor of divinity in Dartmouth college. Hanover, Moses Davis.

An Address, prepared to be delivered before the free and accepted Masons, in the city of New-York, on the 34th June, 1807, being the feast of St. John the Baptist. By Rev. Samuel A. Peters, Bishop elect of Vermont. New York, S. Gould.

A Discourse, delivered in the first church, Boston, on the anniversary of the Massachusetts Humane Society, June 9, 1807. By Rev. William Emerson, pastor of the first church in Boston. Boston, Munroe & Francis. 8vo. pp. 40.

A Sermon preached in Putney, Vt. June 15, 1807, at the ordination of Rev. Elisha D. Andrews, over the congregational church and charitable christian society in that town. By Joseph Lathrop, D.D. pastor of the church in West-Springfield. Brattleborough, William Fessenden.

A Sermon preached at the ordination of the Rev. David Thurston, over the church of Christ in Winthrop, Maine, Feb. 18, 1807. By Elijah Parish, A.M. Augusta, Peter Edes.

A Sermon, occasioned by the death of Capt. Cyrus Bullard, and preached at Medway, May 25, 1806. By Luther Wright, A.M. pastor of the first church in Medway. Dedham, H. Mann.

The Thistle, an original work, containing a great many good things. By Roderick Rover, esq. and others. Boston, Etheridge & Bliss.

NEW EDITIONS.

Burlamaqui on Natural and Politick Law. 2 vols. 8vo. Fifth edition, corrected. Cambridge, William Hilliard.

European Commerce, shewing new and secure channels of trade with the continent of Europe. By J. Jepson Oddy. Two volumes large octavo ; published by J. Humphreys, Philadelphia.

Part 2d of Peake's Law of Evidence, containing the proofs required in those actions which most ordinarily occur in nisi prius. Philadelphia, P. Bryne.

Essays, moral, economical, and political. By Francis Bacon, baron of Verulam, viscount St. Albans, and lord high chancellour of England. First American edition. Boston, Joseph Greenleaf.

Miseries of Human Life, 2d American edition. New-York, E. Duyckinck and P. A. Mesier. $1 in boards.

Devout Meditations, or a collection of thoughts on religious and philosophical subjects. By Charles How, Esq. First American edition. New-York, Samuel Wood. 12mo. pp. 190. 1807.

The Mourning Husband, a Discourse at the funeral of Mrs. Thankful Church, late consort of Rev. John H. Church, pastor of the church in Pelham, N.H. April 15, 1806. By Leonard Woods, pastor of a church in Newbury. Second edition. Boston, Lincoln & Edmands.

WORKS IN THE PRESS.

The Beauties of Sterne, including many of his letters and sermons, all his pathetick tales, humourous descriptions, and most distinguished observations on life. Boston, Andrews & Cummings.

Mrs. Rowson's Spelling Dictionary. Boston, J. West. 12mo.

The Life of George Washington, commander in chief of the armies of the

United States of America, throughout the war which established their independence, and first president of the United States. By David Ramsay, M. D., author of The History of the American Revolution. 1 vol. 8vo. pp. 400. Ornamented with an engraved Head of Washington. Price to subscribers, in boards, $2,50. Providence, Rhode-island, E. S. Thomas.

The second edition of President Webber's Mathemetical Text Book. Cambridge, William Hilliard.

A new novel entitled, Ira and Isabella, said to be the production of the late Mr. William Brown, of this town, author of West-Point preserved, &c. 12mo. Boston, Belcher & Armstrong.

WORKS ANNOUNCED.

The Natural and Civil History of Vermont, by Samuel Williams, LL.D. The first volume of this work was published in the year 1794: it is now offered in an improved and enlarged form, in two volumes octavo, each containing about 500 pages; to be handsomely printed, and to contain a new and accurate map of the state, and an elegant portrait of the author. It is meant that the whole shall be executed in a superiour style of correctness and elegance. The price of the two volumes, handsomely bound, to be $4,50. Burlington, Vermont, Samuel Mills.

Adams's Roman Antiquities, 1 large 8vo. vol. 640 pages, $3. To be published in the fall, by Mathew Carey, Philadelphia.

Munroe & Francis intend to add another volume to their edition of Shakespeare's Dramatick Works, which will be the ninth volume, and contain all SHAKESPEARE'S POEMS and the Critical Essays of Professor Richardson.—It will be printed to conform with their first edition, so that gentlemen desirous of adding it to that edition may be accommodated.

Proposals have been issued for publishing, at Albany, by subscription, a volume, entitled, 'Horrours of Slavery, or the American Tars in Tripoli,' containing an account of the loss and capture of the United States frigate Philadelphia; treatment and sufferings of the prisoners; description of the place; manners of the Turks, &c. &c. By William Ray. 12mo. pp. 200. $1.

The American Artillerist's Companion. To be printed by subscription, and offered to the patronage of the Federal government, the people of the United States, and to the artillerists of the army, navy, and militia. By Lewis Tousard. To be printed on good paper and pica type, and contain upwards of 600 pages, so as to form one or two volumes octavo, as shall be most convenient to the subscribers; the whole will be illustrated by upwards of thirty-six plates. The work will be published in five numbers, of from 120 to 150 pages each, accompanied with six or seven plates; the price two dollars per number, to be paid on delivery. Philadelphia, C. & A. Conrad and Co. Subscriptions received at the Boston bookstore.

The Poems of R. T. Paine, jun. In one volume 12mo 300 pages. Boston, Belcher & Armstrong. $1,50 to subs.

INTELLIGENCE.

LITERARY AND MISCELLANEOUS.

Mr. Pinkerton, whose celebrity as a geographer stands at present unrivalled, has undertaken to edit a work of considerable magnitude, nearly connected with the subject of his late publication, a General Collection of Voyages and Travels, forming a complete history of the origin and progress of discovery by sea and land from the earliest ages to the present time. The narratives of the traveller and the navigator have ever been found to hold out the highest attractions to every class and description of readers. The eagerness with which works of this description have been sought, has led at different periods to the compilation of collections in some measure resembling that which is now under our consideration. A bare enumeration of the principal of these would form an extensive catalogue. The first was published by Grynæus, at Basel, in the early part of the 16th century

Since that time many of real importance have appeared, and some of them have aspired to the character of general histories of this department of literature. The French Histoire Generale des Voyages, by the Abbé Prevost, is well known, and its merit universally acknowledged. But this, it ought to be observed, is little more than a translation of the general collection of voyages and travels published in London in 1745, by Thomas Astley. The Abbé Prevost added some matter to it, and improved the arrangement of the original materials. His work extended to sixteen quarto volumes, the first of which was published at Paris, 1746. La Harpe afterwards attempted a popular abridgment of this work, but did not succeed in making his labours as useful as his subject might have enabled him. Many other similar collections have appeared in Germany and in Spain, as well as in France and Great-Britain; but it may be observed of all of them, without any exception, that though frequently rich in materials, they have been lamentably defective in the arrangement, and too indiscriminate in their choice and selection of documents. The pleasure of perusal has been by such means greatly impaired; and the trouble of wading through such masses of incongruous matter has rendered the advantages of the information contained in them in many instances not worth the labour and fatigue of the attainment. In the new work which we have now the pleasure to announce as in preparation, every exertion of industry and taste will, we are assured, be employed to combine all the advantages of amusement and utility which can be united in any one publication on the subject. It is not intended merely to reprint the narratives which have already appeared, nor to adhere to the strict chronological order of the occurrences which they detail; but in most cases to class the subjects and consolidate the materials of different writers, so as to exhibit at one view all that is interesting or important in their several publications, and to present the reader with a regular, succinct, and separate history of the progress of discovery in every great division of the globe. It is proposed, however, that the utmost care shall be taken not to destroy or weaken the interest which in a greater or less degree must always belong to the narrative of the voyager himself, by using, where it can be done with advantage, the language of the original authority. The first in the order of the divisions of this work, as most interesting to the great body of readers, will be Europe, comprising every thing valuable that has ever appeared in the form of voyages or travels relating to this portion of the earth; and, in the subsequent parts, the order of arrangement which Mr. Pinkerton has pursued in his great geographical work will be adopted. It is calculated that the work will be completed in ten or twelve volumes in quarto, which will be embellished with well executed prints, and a few of such maps and plans as may be desirable to supply the reader with an immediate view of the places under his consideration. Such is in general the plan of this work, and it must be confessed that the execution of it could not have been entrusted to an editor better qualified for the undertaking. There are few works of consequence connected with the subject which Mr. Pinkerton must not already, from the extent of his geographical inquiries, have had occasion to consult, or of which he must not have learned the character and the value. The libraries of this kingdom he has carefully explored; and it is known, that during the late interval of peace, he carefully examined the libraries of Paris, with the view of adding every attainable information to the new edition of his geography, which has since appeared. With such qualifications, supported by indefatigable literary industry, we may expect from his hands a work of the most instructive and amusing description.

The Clarendon press is now em-

ployed in printing Wyttenbach's Notes on Plutarch's Morals, in 4to. and 8vo.; an edition of Sophocles in Greek, with notes by Elmsley; the Clergyman's Instructer, being a kind of sequel to the Clergyman's Assistant; new editions of Davis's Cicero De Natura Deorum: Musgrave's Euripides; Florus's, Homer's Iliad and Odyssey; Bishop Butler's Works, in two volumes octavo; and Shuckford's Connection.

The new edition of Pope's Works, by the Rev. W. Lisle Bowles, will be published in a few weeks. This edition is not only enlarged by a series of notes and illustrations by the editor and other learned friends, but by a volume of Letters between Pope and his Correspondents, never before published, and which have been supplied from the library of a Noble Marquis. There are also a considerable number of portraits, not hitherto engraven, of Pope's illustrious friends, which will form a valuable addition to the English Series. The whole is comprised in ten volumes octavo, with an additional volume in 4to. and another in 8vo. to suit Ruffhead's and Warton's editions.

We understand that a work of considerable importance, and aiming at nothing less than a total change in the study and practice of Eloquence, is now preparing for the press. It traces the revolutions of Oratory, and the causes of its progress or decline in different countries, with a view of making the collected evidence of past times the test of the proposed plan of academical improvement. The theory is certainly plausible, and is illustrated by a great variety of the most admired specimens of popular, parliamentary, and judicial eloquence. It is to be entitled The British Cicero, and we hope it may be found worthy of its title and its attempt.

Mr. William Spence, F. L. S. has in the press a work entitled, "Britain Independent of Commerce." The object of this publication is to show, in opposition to the commonly received doctrines, that this nation does not gain any accession of riches from her trade; that her wealth, her prosperity, and her power are wholly derived from resources inherent in herself: and consequently that we have no reason to be alarmed, although our enemies should succeed in their attempts to exclude us from commerce with every part of the globe.

The following account of a conversation between Napoleon and Dr. Erhard, rector of the University of Leipzig, has been published in the German Gazettes. "I had imagined (says the Doctor) that Napoleon, surrounded by his generals, would give us a cold reception, and after a few words would dismiss us. I was much mistaken, though apprized by some persons who knew him that he hated complaints, I had, however, prepared something flattering by way of address. Conducted by an Adjutant, we entered his chamber, where he was alone. He approached us with a tranquil air, and informed himself who we were: the manner in which he asked this question instantly dissipated our fears of a humiliating treatment. On presenting to him M. Prasse, professor extraordinary of mathematicks at Leipzig, I added that he was one of the best pupils of professor Kindeburg. The Emperor immediately entered upon the nature and advantages of Kindeburg's mode of calculation, and appeared much pleased with the manner in which M. Prasse spoke of it, and the freedom with which he answered some of his objections. His Majesty then addressing himself to me, observed, that our University enjoyed the honour of having produced the immortal Leibnitz, of whom he spoke with a warmth, which shewed that he placed him above Newton. He proceeded, "Does Kant's philosophy reign also at your University?" Sire, I replied, we have never granted an exclusive privilege to any sect of philosophy. "But Kant is already out of fashion, who is predominant at present?" He has had several successors who have tried to supplant him; and perhaps the newest system, or the newest phraseology, is on the point of falling. As to us, we conceive, that it is our duty to form young men for the service of humanity and the state, rather than to make them dreamers and simpletons. A sublime mind rises

to speculation of itself, and not by poring over the systems of professors, who wish to make themselves remarkable. All our efforts are directed against the tyranny of the sectarian spirit. "In this you are very right, (replied the Emperor) and I am of the same opinion." He then spoke of Gall, and made some very just and acute remarks on his system. "I question," said he, "whether nature, in her works, operates so rudely that Gall can be able to penetrate her intentions. I have not been satisfied with his explanations relative to the motion of the brain. I esteem the spirit of observation, but I am no friend to ambulatory courses of lectures, which are incompatible with the dignity of science." The Emperor then asked me particulars concerning the foundation of our university. He praised the Elector for converting monasteries into scientifick institutions; and warmly recommended to us the care of such institutions, which often produce great men. He was astonished at the great number of the German universities, and the smallness of their resources. "I love (said he) grand establishments, which at the same time are grand in their effects." He highly extolled those of Paris, Bologna, and Milan, where (according to his expression) the Muses inhabit palaces, into which we enter with emotions of respect. "Governments (said he) ought publickly to testify their esteem for the sciences, in order to render them respectable to the people." When I observed that the number of students had been diminished during the war, he answered, "They have been frightened, we must restore their confidence."

The Rev. Mr. Collinson has in the press, a Life of the Historian Thuanus, which will be comprised in one volume, octavo. From the distinguished rank which Thuanus held among the literary men of his age, this work promises to prove highly interesting.

Mr. Coleridge has in the press, two new volumes of Poems, which will speedily be published.

Dr. Playfair, the learned Principal of St. Andrew's, has recently put to press an elaborate work on Ancient and Modern Geography, on which he has been engaged for upwards of twenty years. It is to be published by subscription. It is calculated that it will form six volumes in quarto, which will appear in regular succession as soon as they are severally printed. The first volume will contain a History of Geography, an account of the physical conformation of the Earth, with other matters introductory to the general subject of the work; a general description of Europe, followed by more succinct and copious descriptions of ancient and modern Spain and Portugal, ancient and modern France, and the Netherlands and United Provinces. The whole is to be illustrated by a copious series of well-engraved maps. Our readers will readily acknowledge, that a work of this nature is a real desideratum in science, and, from the well-known industry and talents of the author, will, we doubt not, with ourselves, regard the present publication as a valuable addition to the literature of the country. From the peculiarity of its arrangements, it is not likely to interfere with Mr. Pinkerton's excellent work on ModernGeography, but may rather be considered as adding to its worth by contributing, when united with it, to form the most complete body of Geographical Knowledge, ancient and modern, ever given to the publick.

The Botanical Garden at Leyden occupies about four acres of land, and is kept in excellent order. The Botanical Gardens of Upsal and of the Dublin Society are described as greatly superiour in value and arrangement to this of Leyden. Amongst the plants are the remains of vegetable antiquity, in the shape of a palm, which stands in a tub in the open air, supported by a thin frame of iron work; it is about fourteen feet high, and was raised from seed by the celebrated Carolus Clusius, who died professor at Leyden in 1609. This plant is said to be the

palm mentioned by Linnæus in his *Prælectiones in Ordines Naturales Plantarum*, published by Giseke, in 1792, at Hamburgh, which Linnæus suspected to be a *Chamærops*, but which as Dr. Smith, observes his editor, rightly refers to the *Rafhis flabelliformis*. It comes from China and Japan; and there is a tree of this kind, and about as large, in the Botanick Garden at Paris, and another at Pisa. In this garden is also the Ginkgo of the Chinese, a standard twenty feet high; Strelitzia Regina, which has never yet flowered in any garden out of England; the Olea Laurifolia, a new species, according to Van Royen; Royena lucida, in flower, as large as a moderate hawthorn tree, and thought to be very handsome; and a singular plant from the Cape, supposed to be an Echites, with a large tuberous root raised high above the surface of the ground, two or three weak stems a foot high, and large dark-brown flowers. In the University Library, is Rauwolf's Herbarium, which is very magnificent, and the plants well preserved; also Boccone's Herbarium of the Plants described in his Fasciculous Plantarum, published by Morison at Oxford, in 1674. These specimens are very poor. Herman's Collection of Ceylon Plants is also here, and a volume of Westindia Plants, belonging to Herman, which are very scarce in Holland.

Holland still possesses several artists, who maintain the glory of the ancient Dutch school. M. BUCH, director of the academy of design at Amsterdam, is estimated to be a good historical painter. The pictures of flowers and sea pieces by DE VANOS, are spoken of with great praise. The landscapes of HAAG, and the animals of SHOUWMAN, are much esteemed. KUIPER has exercised his pencil with success in allegorical pieces, and PORTMAN has given specimens of distinguished talents in engraving Kuiper's two pictures of Peace and War. VINCKLES and HODGES have long enjoyed the reputation of skilful engravers. SCHEVEGMAN has obtained a prize given by the National Economical Society, for a new invention of engraving in imitation of chalk, and the Society of Haerlem has bestowed another on HORSTOCK, a painter of Alkmaer, who has a method of rendering water-colours more durable.

Dr. Miller, Lecturer on Chemistry, at Edinburgh, has undertaken to prepare for the press, a new edition, in two volumes octavo, of Williams's Mineral Kingdom. He proposes carefully to revise the original, to expunge all extraneous matter, to correct and polish the style, and to add the valuable discoveries that have been made in the science of mineralogy, since the publication of that Work. Dr. Miller has made an actual survey of the principal mines of the kingdom and may be supposed well qualified to execute this undertaking in a scientifick manner.

Mr. Meiners has published a history of the principal Insurrections which have happened among the Students at the different Universities of Europe.

The university of Coimbra, in Portugal, has been enriched by the acquisition of the large library of M. Hasse, at Lisbon. The scarce books and MSS. in that library amount to 12,000 vols.

EDITORS' NOTES.

WE have received a communication, signed Quæstor, and duly considered it. The author proposes a mode of increasing the utility of the Ant' ology, which may be easy; and he deserves our thanks for his interest in our labours: but the interrogatories he offers seem to us less proper subjects for our publication, than a political or statistick review.

In the review of the Cambridge Horace, in our last Number, a slight errour escaped us. The Dr. Douglas, who so carefully enumerated the editions, was physician to queen Caroline, not the celebrated Douglas, mentioned in Goldsmith's Retaliation, who lately died bishop of Salisbury.